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UNHCR
The UN Refugee Agency

International Protection Considerations with Regard to People Fleeing the Republic of Iraq

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List of Abbreviations

AFP	Agence France-Presse
AP	Associated Press
AQI	Al-Qa'eda in Iraq
BBC	British Broadcasting Corporation
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CEIP	Carnegie Endowment for International Peace
CERAH	Geneva Centre for Education and Research in Humanitarian Action
CIVIC	Center for Civilians in Conflict
CJMB	Crescent Journal of Medical and Biological Sciences
CPJ	Committee to Protect Journalists
CRC	Committee on the Rights of the Child
CSIS	Center for Strategic and International Studies
CTC	Combating Terrorism Center at West Point
DIS	Danish Immigration Service
DTM	Displacement Tracking Matrix
DRC	Danish Refugee Council
DW	Deutsche Welle
EASO	European Asylum Support Office
ECFR	European Council on Foreign Relations
EPIC	Education for Peace in Iraq Center
ERW	Explosive Remnants of War
FAO	Food and Agriculture Organization
FGM/C	Female Genital Mutilation / Cutting
GCC	Cooperation Council for the Arab States of the Gulf
GC4HR	Gulf Centre for Human Rights
GDCVAW	General Directorate to Combat Violence Against Women
GPPI	Global Public Policy Institute
HLP	Housing, Land and Property
HRW	Human Rights Watch
IBC	Iraq Body Count
ICCPR	International Covenant on Civil and Political Rights
ICG	International Crisis Group
ICP	Iraqi Communist Party
ICSSI	Iraqi Civil Society Solidarity Initiative
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IED	Improvised Explosive Device
IFA/IRA	Internal Flight Alternative / Internal Relocation Alternative
IFJ	International Federation of Journalists
IHL	International Humanitarian Law
IHCHR	Iraqi High Commission for Human Rights
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
INSO	International NGO Safety Organisation
IOM	International Organization for Migration
IRC	International Rescue Committee
ISF	Iraqi Security Forces
ISHM	Iraq Security and Humanitarian Monitor
ISI	Islamic State in Iraq
ISIS / ISIL	Islamic State of Iraq and Al-Sham (*Daesh*)
ISPI	Italian Institute for International Political Studies
ISW	Institute for the Study of War

JIA	Journal of International Affairs
KAS	Konrad-Adenauer-Stiftung / Konrad Adenauer Foundation
KDP	Kurdistan Democratic Party
KRG	Kurdistan Regional Government
KR-I	Kurdistan Region of Iraq
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LSE	London School of Economics and Political Science
MEE	Middle East Eye
MERIP	Middle East Research and Information Project
MRGI	Minority Rights Group International
NGO	Non-Governmental Organization
NINA	National Iraqi News Agency
NPR	National Public Radio
NRC	Norwegian Refugee Council
NRT	Nalia Media Corporation
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
PBS	Public Broadcasting Service
PC-MOI	Permanent Committee for Refugee Affairs of the Ministry of Interior
PDS	Public Distribution System
PHCC	Primary health care centres
PKK	Kurdistan Workers Party
PMF / PMU	Popular Mobilization Forces / Units (*Al-Hashd Al-Shaabi*)
POMEPS	Project on Middle East Political Science
PUK	Patriotic Union of Kurdistan
RSF	Reporters Sans Frontières (Reporters Without Borders)
SGBV	Sexual and Gender-Based Violence
UNAMI	United Nations Assistance Mission for Iraq
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNITAD	UN Investigative Team to Promote Accountability for Crimes Committed by Daesh
UNMAS	United Nations Mine Action Service
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
UNU-CPR	United Nations University – Centre for Policy Research
US	United States
USCIRF	US Commission on International Religious Freedom
VOA	Voice of America

I. Executive Summary

This document supersedes the May 2012 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Iraq[1] and the November 2016 UNHCR Position on Returns to Iraq.[2] It is issued against a background of continuing insecurity in parts of Iraq and widespread human rights abuses. 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 Considerations include the most up-to-date information available at the time of writing, from a wide variety of sources.[3] The analysis contained in these 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, as well as by other UN agencies and partner organizations.

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")[4] and its 1967 Protocol,[5] UNHCR's mandate, regional refugee instruments, or on the basis of broader international protection criteria, including complementary forms of protection.

1) Refugee Protection under the 1951 Convention Criteria and Main Categories of Claim

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

1. **Persons wrongly suspected of supporting the Islamic State of Iraq and Al-Sham (ISIS)**, including civilians perceived to be supporting ISIS; families associated with actual or perceived ISIS members; and persons providing legal services to ISIS suspects and to families associated with actual or perceived ISIS members;
2. **Persons associated with, or perceived as supportive of, the Government**, including government officials; civil servants; political party members; civilian police personnel; (former) members of the Iraqi Security Forces (ISF), affiliated forces and the *Peshmerga*; civilians suspected of cooperating with the ISF, affiliated forces or the *Peshmerga*; and tribal leaders and members of tribes associated or perceived to be associated with the government;
3. **Persons opposing, or perceived to be opposing, the Government or those affiliated with the Government**, including journalists and other media professionals; law enforcement and judicial officials engaged in combatting corrupt practices; civil society activists; and protestors;
4. **Persons opposing, or perceived to be opposing, the Kurdistan Regional Government (KRG) or those affiliated with the KRG** , including journalists and other media professionals; members of rival or opposition political parties; civil society activists; and protestors;
5. **Members of religious and minority ethnic groups**;

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1 UNHCR, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Iraq*, 31 May 2012, HCR/EG/IRQ/12/03, www.refworld.org/docid/4fc77d522.html.
2 UNHCR, *UNHCR Position on Returns to Iraq*, 14 November 2016, www.refworld.org/docid/58299e694.html.
3 These International Protection Considerations are based on information available to UNHCR as of 30 April 2019, unless otherwise stated.
4 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.
5 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.

6. **Journalists and other media professionals**;
7. **Humanitarian workers**;
8. **Women and girls with certain profiles or in specific circumstances**, in particular women in the public sphere; women and girls without genuine family support, including widows and divorcees; survivors and those at risk of sexual violence, domestic violence, "honour"-based violence, or Female Genital Mutilation (FGM); women and girls at risk of forced and/or child marriage; and survivors and those at risk of trafficking for the purpose of sexual exploitation and forced prostitution;
9. **Children with certain profiles or in specific circumstances**, in particular children born outside of registered marriage, including those born as a result of rape and/or forced marriage; survivors and those at risk of sexual violence, domestic violence, forced and/or child marriage, or "honour crimes"; survivors and those at risk of forced and underage recruitment; trafficking; and other worst forms of child labour;
10. **Persons of diverse sexual orientations and/or gender identities**;
11. **Individuals targeted as part of tribal conflict resolution, including blood feuds**;
12. **Palestinian refugees**.

This list is not necessarily exhaustive. 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 specific circumstances of the case, family members or other members of the households of individuals found to be at risk of persecution may also be in need of international protection on the basis of their association with individuals at risk.

2) 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.

For detailed guidance on applications by Iraqis for international protection under UNHCR's broader mandate criteria or under the regional instruments, or for forms of complementary protection, including subsidiary protection under Article 15 of the 2011 EU Qualification Directive, see Section III.B.

3) Internal Flight or Relocation Alternative (IFA/IRA)

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

UNHCR further considers that an IFA/IRA is not available in the disputed areas due to these areas' sensitive security, political and demographic dynamics and the risk of further destabilizing the situation through population movements.[6]

[6] On the disputed areas, see below footnote 26.

For detailed guidance for the assessment of the availability of an IFA/IRA in parts of Iraq that are neither formerly controlled by ISIS or otherwise affected by conflict, nor part of the "disputed areas", please see Sections III.C.1 (relevance analysis) and III.C.2 (reasonableness analysis).

In relation to Sunni Arabs and Sunni Turkmen from formerly ISIS-held or conflict-affected areas, the assessment of the availability of an IFA/IRA in other areas of Iraq would need to consider whether the proposed area is practically, safely and legally accessible to the individual. This requirement entails an assessment of the concrete prospects of the individual being:

- Able to safely reach and be admitted to the proposed area of relocation, which entails an assessment of the individual's ability to pass checkpoints and be admitted to the proposed area of relocation, including possible sponsorship requirements;
- Permitted to take up residency in the proposed area of relocation, which may the need for a sponsor;
- Allowed to durably remain in the proposed area of relocation.

Access and residency requirements are reportedly not always clearly defined and/or implementation can vary or be subject to changes depending mostly on the security situation. Sponsorship requirements are generally not grounded in law nor are they officially announced.

Against the background of prevailing access and residency restrictions in many parts of the country, UNHCR considers that for Sunni Arabs and Sunni Turkmen from formerly ISIS-held or conflict-affected areas an IFA/IRA is generally not relevant in areas where the authorities maintain access and residency requirements and/or where there is pressure on persons from formerly ISIS-held or conflict-affected areas to return to their areas of origin. The only exceptions would be for applicants of this profile 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 the specific case of the Kurdistan Region of Iraq (KR-I) as a proposed area of IFA/IRA, UNHCR considers that an IFA/IRA is generally not reasonable given the current humanitarian situation in the KR-I. The only exceptions would be for applicants for whom it can be established that, based on the individual circumstances of their case, they would have access to:

i) Adequate shelter in the proposed area of relocation in the KR-I, noting that IDP camps or informal settlements would not qualify as "adequate shelter";

ii) Access to essential services in the proposed area of relocation in the KR-I, 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, elderly applicants or applicants with disabilities), proven and sustainable support to enable access to an adequate standard of living.

For detailed guidance on the availability of an IFA/IRA in the KR-I, see Section III.C.3.

4) Exclusion Considerations

In light of the serious human rights abuses and violations of IHL 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 ISIS (since 2013);
ii) (Former) members of predecessor groups of ISIS, 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 affiliated forces (since 2003);
iv) (Former) members of the KRG armed forces and the security/intelligence apparatus (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 regime (1979-2003).

5) Position on Forced Returns

In light of widespread destruction and damage to homes, basic infrastructure and agricultural lands, limited access to livelihoods and basic services, the contamination of homes and lands with ERW, ongoing community tensions, including reprisal acts against civilians perceived to be supporting ISIS, as well as localized insecurity, UNHCR urges States to refrain from forcibly returning persons originating from areas previously controlled by ISIS or areas with a continued ISIS presence 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 to 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. This guidance pertains to individuals who have been found not to be in need of international refugee protection.

II. Main Developments in Iraq since 2017

A. Political Developments

1) May 2018 Parliamentary Elections

On 12 May 2018, Iraq held its first parliamentary elections since the military defeat of ISIS[7] in late 2017. Unlike elections in 2014 and 2010, when coalitions largely ran along communal lines, the 2018 election was reportedly characterized by intra-sectarian divisions and fragmented Shi'a, Sunni and Kurdish factions.[8] The elections saw a turnout of 44.5 per cent, described by observers as a sign of widespread public disillusionment with the political leadership at both the central level, as well as in the Kurdistan Region of Iraq (KR-I).[9] The final election results were ratified by the Supreme Court on 19 August 2018.[10]

Two Shi'ite-led factions came out strongest in the elections, a coalition of parties led by Shi'ite cleric Muqtada Al-Sadr ("*Al-Sairoon*"); and the Iranian-backed Fatah Alliance, headed by Hadi Al-Amiri of the Badr Organization, which represents paramilitary groups associated with the mainly Shi'ite Popular Mobilization Forces (PMF).[11] Former Prime Minister Haider Al-Abadi's bloc came in third place.[12] Following months of deadlock, in October 2018 Barham Saleh of the Patriotic Union of Kurdistan (PUK) was elected president of Iraq, and he in turn named independent Shia politician Adel Abdul Mahdi, a former vice president and oil minister, as prime minister.[13]

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7 The "Islamic State of Iraq and Al-Sham" (ISIS) (Arabic: *Ad-Dawlah Al-ʾIslāmiyyah fi Al Iraq wa Al-Sham*), is also known as the "Islamic State of Iraq and the Levant" (ISIL) and proclaimed itself as "Islamic State" (IS) in June 2014. ISIS has been designated as a terrorist entity by Security Council Resolution 2170 (2014); UNSC, *Security Council Resolution 2170 (2014) [on Threats to International Peace and Security Caused by Terrorist Acts by Al-Qaida]*, 15 August 2014, S/RES/2170 (2014), http://www.refworld.org/docid/53f729b84.html.

8 London School of Economics and Political Science (LSE), *The 2018 Iraqi Federal Elections: A Population in Transition?*, 3 August 2018, https://bit.ly/2A2gErJ, pp. 6, 13; Al Jazeera, *Iraq Elections: All You Need to Know*, 12 May 2018, http://aje.io/84e5b.

9 The KR-I includes the Governorates of Dohuk, Erbil and Sulaymaniyah. See, LSE, *The 2018 Iraqi Federal Elections: A Population in Transition?*, 3 August 2018, https://bit.ly/2A2gErJ, pp. 6-7, 12, 14, 16; Chatham House, *Why Iraq's Elections Were an Indictment of the Elite*, 18 May 2018, https://bit.ly/2tnbJ0z; Associated Press (AP), *Disillusionment Appears to Help Shi'ite Cleric in Iraq Vote*, 14 May 2018, https://bit.ly/2SDv3G8.

10 Reuters, *Iraqi Supreme Court Ratifies May Election Results*, 19 August 2018, https://reut.rs/2Blt8xu. For an overview of the final results, including at the governorate level, see LSE, *The 2018 Iraqi Federal Elections: A Population in Transition?*, 3 August 2018, https://bit.ly/2A2gErJ, pp. 7-11 and Appendix.

11 Also known as Popular Mobilization Units (PMU). In Arabic: *Hashd Al-Shaabi*. See below Section II.B.1 for further information on the PMF. As the PMF have nominally been integrated into state structures, they are referred to as "*affiliated forces*" throughout this document.

12 Al Jazeera, *Recount Shows Iraq's Sadr Retains Election Victory, no Major Changes*, 10 August 2018, https://reut.rs/2M5KqnB.

13 BBC, *New Iraq President Barham Saleh Names Adel Abdul Mahdi as PM*, 3 October 2018, https://bbc.in/2ICtjVq. Under an informal ethno-sectarian quota system ("*muhassasa*"), the president is set to be a Kurd, the prime minister a Shi'ite, and the speaker of parliament a Sunni. Ministries and government institutions are also distributed among the country's ethnic and religious groups; Chatham House, *Why Iraq's Elections Were an Indictment of the Elite*, 18 May 2018, https://bit.ly/2tnbJ0z; War on the

The lack of an outright winner meant that no list was able to form a majority government and Prime Minister Mahdi struggled to complete his cabinet.[14] In mid-February 2019, the UN Secretary-General's Special Representative for Iraq, Jeanine Hennis-Plasschaert, described "*fierce disagreements among political parties*" as obstructing the government formation process and warned that further delays would have "*significant repercussions*" for Iraq's stability.[15]

Provincial council elections, having been repeatedly delayed in 2017 and 2018, are set to be held on 16 November 2019.[16] Kirkuk Governorate, which is the subject of an ongoing dispute between the central government and KRG, has not held provincial council elections since 2005.[17] The KR-I, which holds provincial elections independent from the rest of Iraq, has not yet set a date.[18]

2) September 2018 Kurdistan Parliamentary Elections

Elections for the regional parliament took place in in KR-I on 30 September 2018,[19] with the Supreme Court of Kurdistan releasing the final results on 30 October 2018. The ruling Kurdistan Democratic Party (KDP) came first, followed by the PUK, which gained less than half of the seats of the KDP.[20] Observers noted that the modest turnout of 58 per cent was indicative of people's lack of trust in the KRG's political system.[21]

On 3 December 2018, the KDP announced that Nechirvan Barzani, the KRG's outgoing prime minister, would be their candidate for President of the KR-I.[22] Masrour Barzani, Regional Security Council Chair and son of former President Massoud Barzani, was proposed as the party's candidate for prime minister.[23] It is expected that the long-established informal power-sharing arrangement between the two dominant parties, the KDP and the PUK will be extended.[24]

Rocks, *Iraqis Head to the Polls, Frustrated with Corruption and Ethno-Sectarian Appeals*, 12 May 2018, https://bit.ly/2BU8yT4; Journal of Democracy, *Iraq's Year of Rage*, Vol. 27(4), October 2016, https://bit.ly/2IBrqf8, pp. 114-116.

14 At the time of writing, four ministerial posts, including the Interior, Defense, Justice and Education ministries remain vacant due a lack of consensus among the coalitions, with the Prime Minister acting as caretaker minister of Defense and Interior; United Nations Security Council, *Implementation of Resolution 2421 (2018) – Report of the Secretary-General, S/2019/101*, 1 February 2019, https://bit.ly/2H5licP (hereafter: UNSC, *Implementation of Resolution 2421 (2018)*, 1 February 2019, https://bit.ly/2H5licP), paras 2-6; Asharq Al-Awsat, *Iraqi PM Appointed as Caretaker Minister of Defense, Interior*, 27 October 2018, https://bit.ly/2N7q6PO.

15 "*Moreover, multiple parliamentary sessions have been 'adjourned, interrupted or boycotted' which has delayed substantive work from taking place*"; UN News, *Iraq: Security Council Told 'Despair' Has 'Given Way to Hope' but Road to Stability 'Long and Far from Easy'*, 13 February 2019, https://shar.es/amoPrC.

16 *Ibid*.; Kurdistan 24, *Iraq's Electoral Body Proposes Nov. 16 for Delayed Provincial Elections*, 11 April 2019, https://bit.ly/2UDgSNq.

17 International Crisis Group (ICG), *The Contested Iraqi Parliamentary Elections in Kirkuk*, 24 May 2018, https://www.refworld.org/docid/5b0c09dd4.html.

18 Rudaw, *Iraq Provincial Elections Set for November 16,* 13 January 2019, https://bit.ly/2SS294f.

19 Elections had been scheduled for late 2017, but were deferred in the aftermath of the 2017 independence referendum; see below *"October 2017 Independence Referendum"*.

20 For the full election results, see Institut Kurde de Paris, *The Final Results of the Parliamentary Elections in Kurdistan*, 31 October 2018, https://bit.ly/2EezOgp.

21 Al Jazeera, *Anger Is Simmering Among Iraq's Kurdish Youth*, 12 November 2018, http://aje.io/sz74u; Rudaw*, KRG Election: Why such a Low Turnout?*, 3 October 2018, https://bit.ly/2EezOgp; Institut Kurde de Paris, *The Final Results of the Parliamentary Elections in Kurdistan*, 31 October 2018, https://bit.ly/2EezOgp.

22 The post of the presidency had been vacant since Massoud Barzani announced on 1 November 2017 that he would end his already-extended term as president following the September 2017 independence referendum. At the time, Nechirvan Barzani, Massoud Barzani's nephew, in his capacity as the KRG's Prime Minister assumed most of the powers of the suspended presidency; Reuters, *Kurdish Leader Departs, Leaving Nephew Faced with Reconciliation*, 1 November 2017, https://reut.rs/2IBgDGe.

23 UNSC, *Implementation of Resolution 2421 (2018)*, 1 February 2019, https://bit.ly/2H5licP, para. 8; Kurdistan 24, *KDP Nominates Masrour Barzani for Prime Minister of Kurdistan Region, Nechirvan Barzani for President*, 3 December 2018, https://bit.ly/2BqlH4W.

24 On 3 April 2019, the KDP and the PUK were reported to have reached an agreement on the formation of the government. Masrour Barzani (KDP) will reportedly be appointed the next Prime Minister; Education for Peace in Iraq Center (EPIC*), ISHM: March 29-April 4 2019*, 4 April 2019, www.epic-usa.org/ishm201. See also, Carnegie Endowment for International Peace (CEIP), *Kurdistan's Executive Offices in Transition*, 7 December 2018, https://bit.ly/2ttam0k; France 24, *Ruling Party Comes in First in Iraqi Kurdistan Election*, 21 October 2018, http://f24.my/3rBg.T.

3) October 2017 Independence Referendum

The KRG authorities exercise *de jure* control over the KR-I.[25] From 2003 onwards, the KRG also held *de facto* control over parts of the "disputed territories",[26] with the area under *de facto* KRG control further expanding into areas abandoned by the ISF in the wake of ISIS' expansion in the summer of 2014.[27] On 25 September 2017, the KRG launched a controversial independence referendum in the KR-I and in the disputed areas under KRG *de facto* control, which was opposed by the central government and much of the international community.[28] While Kurds overwhelmingly voted for independence,[29] the referendum triggered, on 16 October 2017, a military response from the central government,[30] as part of which it reclaimed Kirkuk and most of the other disputed areas from Kurdish parties' control.[31]

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25 *Constitution of the Republic of Iraq*, 15 October 2005, hwww.refworld.org/docid/454f50804.html, Articles 117(1), 120, 121(1) and (2).

26 The central government and the KRG both claim authority over parts of Diyala, Erbil, Kirkuk, Ninewa and Salah Al-Din Governorates (so-called "*disputed areas*"). Article 140 of the 2005 Iraqi Constitution laid down a three-step process to settle the status of "*Kirkuk and other disputed territories*", including "*normalization*" (i.e. relocation of the Arabs who had been settled there under the former government's Arabization campaigns and return of the displaced populations), a census and a referendum no later than by 31 December 2007. The draft Kurdistan Constitution of 2009, in Article 2(1) unilaterally lays claim to all disputed areas by stipulating that Iraqi Kurdistan is a *"*(…) *geographical and historical entity made up of the Duhok province in its present administrative boundaries, as well as the provinces of Kirkuk, Sulaimaniyyah, and Erbil Provinces, as well as the districts of Akra, Shiekhan, Sinjar, Telkeif, Karakush, and sub-districts of Zummar, Basheka, Aski Kalak of the Nineveh province and the districts of Khanakeen, Mandili of the Diyala province according to their administrative boundaries before 1968.*" The process was never implemented and, at the time of writing, no progress had been made in settling this longstanding dispute. See: *Draft Constitution of the Kurdistan Region*, 23 June 2009, https://bit.ly/2SZwM8O; *Constitution of the Republic of Iraq*, 15 October 2005, refworld.org/docid/454f50804.html. For a historical overview of the dispute over the status and boundaries of the KR-I and subsequent developments in the disputed areas, see: ICG, *Reviving UN Mediation on Iraq's Disputed Internal Boundaries*, 14 December 2018, http://bit.ly/2JwD8IE.

27 "*Baghdad's weakness after 2003 allowed the Kurdish parties and their militias to exercise near-total political and security control over the disputed territories, Kirkuk included, for fourteen years. The Islamic State of Iraq and Syria's (ISIS) spectacular advances in 2014 precipitated the collapse of the Iraqi army in the north. This allowed Kurdish militias to seize full control of the disputed territories, including the Kirkuk oil fields*"; ICG, Reviving UN Mediation on Iraq's Disputed Internal Boundaries, 14 December 2018, http://bit.ly/2JwD8IE. "*From 2003 to 2017, in spite of de jure federal authority, the Kurdish presence in the disputed territories in the form of a local population, party offices, schools and clinics, and security forces, led Kurds to assume de facto authority in many areas*"; LSE, *Public Authority and Iraq's Disputed Territories*, 4 September 2018, https://bit.ly/2ScIrwA. See also, Brookings, *The Constitutional Context for Iraq's Latest Crisis*, 7 November 2017, http://brook.gs/2hgKX7P.

28 Reuters, *Kurdish Independence Vote Damages U.S. Efforts to Preserve Unified Iraq*, 27 September 2017, https://reut.rs/2y5PYXy; The Guardian, *Iraqi Leader Warns Kurds over Independence Referendum Violence*, 16 September 2017, https://bit.ly/2Fclnft; UN, *Referendum in Iraq's Kurdistan Region Would Detract from Need to Defeat Islamic State, Reconstruct Recovered Territories, Secretary-General Warns*, SG/SM/18682, 17 September 2017, https://bit.ly/2EdYlkt; Al Jazeera, *Iraq Parliament Rejects Kurdish Independence Referendum*, 12 September 2017, http://aje.io/bdhz3; Kuwait News Agency (KUNA), *Arab League Chief Urges Postponement of Kurdistan Referendum*, 9 September 2017, https://bit.ly/2VkMFDx.

29 BBC, *Iraqi Kurds Decisively Back Independence in Referendum*, 27 September 2017, https://bbc.in/2BTJUlb.

30 "*Commencing in Kirkuk, they [ISF and affiliated forces] proceeded rapidly through other disputed territories. In most cases, the withdrawal of Peshmerga forces from these areas took place in coordination with the ISF. However, significant clashes between the Peshmerga and the ISF occurred in Tuz Khurmatu, Salah al-Din Governorate6 and Altun Kubri cities, Kirkuk Governorate*"; United Nations Assistance Mission for Iraq (UNAMI), Report on Human Rights in Iraq: July to December 2017, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 4. See also, ICG, *Oil and Borders: How to Fix Iraq's Kurdish Crisis*, 17 October 2017, www.refworld.org/docid/59e70ac14.html, pp. 1-2; BBC, *Iraq Takes Disputed Areas as Kurds 'Withdraw to 2014 Lines'*, 18 October 2017, https://bbc.in/2STfvJO. In the context of these military operations, there have been reports of indiscriminate attacks, looting and destruction of private homes and businesses as well as political party offices at the hands of some security actors, primarily in Kurdish neighbourhoods of Kirkuk city and Tuz Khurmatu (Salah Al-Din Governorate). More than 180,000 civilians, mostly Kurds, were reported to have been displaced from the disputed areas as a result of the military operations, although most returned home shortly afterwards; ICG, *Reviving UN Mediation on Iraq's Disputed Internal Boundaries*, 14 December 2018, http://bit.ly/2JwD8IE, p. 17; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 4; UNAMI, *Summary of UNAMI Findings in Tuz Khurmatu*, 23 December 2017, https://bit.ly/2T4cWcH; United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Iraq: Humanitarian Bulletin, October 2018*, 20 November 2018, https://bit.ly/2D3Jaek, p. 2; UNHCR, *Iraq: Centre & South Bi-Weekly Protection Update (13 - 26 October 2017)*, 26 October 2017, https://bit.ly/2EwxNfV; Amnesty International, *Iraq: Fresh Evidence that Tens of Thousands Forced to Flee Tuz Khurmatu amid Indiscriminate Attacks, Lootings and Arson*, 24 October 2017, www.refworld.org/docid/59ef02474.html; Middle East Eye (MEE), *Iraqi Forces Accused of Burning Kurdish Homes and Ministries in Kirkuk*, 18 October 2017, https://shar.es/am7wr0.

31 However, the extent of Iraqi Government control varies across the disputed territories. "*While legally and constitutionally these territories remain disputed, in actuality the KRG's political and military influence has declined dramatically in a short period of time, leaving the GOI and its affiliates in control.* (…) *The nature and form of this reassertion of federal control is distinct in each*

The referendum and its fallout are reported to have deepened political divisions in the KR-I,[32] and resulted in a deterioration of the relationship between the central government and the KRG, which had already been strained over disagreements in relation to oil exports, budget payments and the status of the disputed areas.[33] Furthermore, the reported lack of cooperation between the ISF and Kurdish forces in the disputed areas is reported to have led to security gaps, which permitted ISIS to reconstitute.[34] However, since 2018, and particularly following the formation of the new government of Prime Minister Abdel-Mahdi, a rapprochement between the central government and the KRG has been reported, as demonstrated, for example, by the approval of the national budget in January 2019 (which includes payment of salaries for civil servants and *Peshmerga* forces in the KR-I), the conclusion of an agreement to unify customs duties on 16 January 2019, and the resumption of oil exports from Kirkuk in November 2018.[35]

B. Security Situation

1) Overview

In 2014, Iraq experienced ISIS' rapid expansion in northern and central Iraq, resulting in conflict, grave abuses of international human rights law, international criminal law and IHL,[36] and massive civilian casualties.[37] The ISF[38] and affiliated forces[39] as well as the Kurdish security forces,[40] with support from

locality"; LSE, *Security and Governance in the Disputed Territories under a Fractured GOI: The Case of Northern Diyala*, 14 November 2018, https://bit.ly/2S9QlH9. "*Contrary to widely-held views, Iraqi security and Hashd forces did not bring about a complete takeover of all disputed territories in the aftermath of the Kurdish referendum of September 2017. Significant parts of these territories have remained under control of the Kurdish Peshmerga and continue to be governed as they have been since 2014*"; Clingendael Institute, *In the Eye of the Storm? – (In)stability in Western Iraqi Kurdistan*, 3 July 2018, https://bit.ly/2CnEe3J, p. 9. See also p. 10 of the same report with a map showing "*disputed areas*" that remain under control of Kurdish forces. See also, KAS, *Scattered Dreams – The Independence Referendum, the Fall of Kirkuk and the Effect on Kurdish and Iraqi Politics*, 16 April 2018, https://bit.ly/2EzBLVd, p. 81; Al Jazeera, *Territory Lost by Kurds in Iraq*, 1 November 2018, http://aje.io/el8rx; BBC, *Iraq Takes Disputed Areas as Kurds 'Withdraw to 2014 Lines'*, 18 October 2017, https://bbc.in/2STfvJO. In areas where the government has re-established control, security actors are fragmented; see below Section II.B ("*Security Situation*").

32 ICG, *Reviving UN Mediation on Iraq's Disputed Internal Boundaries*, 14 December 2018, http://bit.ly/2JwD8IE, p. 10; KAS, *Scattered Dreams – The Independence Referendum, the Fall of Kirkuk and the Effect on Kurdish and Iraqi Politics*, 16 April 2018, https://bit.ly/2EzBLVd, pp. 81-84; Atlantic Council, *Intra-Kurdish Division and Abadi's Options*, 17 October 2017, https://bit.ly/2XrXvcL.

33 Italian Institute for International Political Studies (ISPI), *Country to Watch in 2019: Iraq*, 27 December 2018, https://bit.ly/2HTvBmg; LSE, *Assessing the Post-Referendum Crisis Between Erbil and Baghdad*, 19 March 2018, https://bit.ly/2BVgKlX.

34 At the time of writing, discussions were reportedly underway to improve security cooperation in the disputed areas; Kurdistan 24, *Peshmerga, Iraqi Army Prepare to Work Together in Disputed Areas*, 21 February 2019, https://bit.ly/2NAyKqo; Rudaw, *In the Plains of Northern Iraq, Familiar Shadows Roam and Kill*, 20 February 2019, https://bit.ly/2VoDIct. See also below Section II.B.2 ("*Security in Areas with Continued ISIS Presence or Influence*").

35 LSE, *Kirkuk's Case & Baghdad - Erbil Relations*, 27 February 2019, https://bit.ly/2GO2jEa; UNAMI, *Briefing to the Security Council by SRSG for Iraq Jeanine Hennis-Plasschaert,* 13 February 2019, https://bit.ly/2EaPAYk; MEE, *Iraq's Parliament Approves $112bn Budget after Months of Wrangling*, 24 January 2019, https://shar.es/amvOFF; Al Jazeera, *Iraq: Baghdad and Kurds Strike Deal to Resume Kirkuk Oil Exports*, 16 November 2018, http://aje.io/cr3h8.

36 See Section II.E ("*Human Rights Situation*").

37 See Section II.C ("*Civilian Casualties*").

38 The ISF consist of the formal military and law enforcement forces that report to the Ministry of Defense (e.g. Army, Navy, Air Defense) or Ministry of Interior (e.g. Federal Police, Emergency Response Division / ERD, Intelligence and Counterterrorism Office, Special Weapons and Tactics / SWAT, Facilities Protection Service, Department of Border Enforcement, local police, security and intelligence agencies), or fall directly under the Office of the Prime Minister (e.g. Counterterrorism Service / CTS, National Security Service / NSS, Special Forces Division); see e.g. Human Rights Watch, *"Life Without a Father is Meaningless"*, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf (hereafter: HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf), p. 24; Institute for the Study of War (ISW), *Iraqi Security Forces and Popular Mobilization Forces: Orders of Battle*, December 2017, http://bit.ly/2SsCv6V.

39 See below for further information.

40 The Kurdish security forces are the only legally recognized regional force under Article 117 of the 2005 Iraqi Constitution, which allows regions to establish their own internal security services as the "*police, security forces and guards of the region*"; *Constitution of the Republic of Iraq*, 15 October 2005, www.refworld.org/docid/454f50804.html, Article 117(1). "*The Kurdish*

a broad international coalition,[41] have gradually retaken territory from ISIS, including the city of Mosul in July 2017.[42] In December 2017, the Iraqi government declared victory over the ISIS following three years of military operations against the group.[43]

Since then, major military operations against ISIS have largely ended[44] with a steady decline of attacks over the course of 2018.[45] However the beginning of 2019 reportedly saw a renewed increase in ISIS attacks.[46] Overall, security gains are mixed,[47] with continued insecurity particularly in formerly ISIS-held areas, where the situation is reported to remain volatile in light of the continued presence of ISIS fighters.[48] Civilians continue to bear "*the brunt of the attacks*".[49]

Security Forces, also referred to as Peshmerga, comprise a range of forces, including traditional army units, military and intelligence units, and others functioning more like local police. (…) The Peshmerga's level of command, control, and organization in some ways puts it closer to a state force. However, command and control fracture down to a political party and ultimately to a personal commander-relationship level. (…) *Peshmerga forces also incorporated a number of minority units or brigades under their ranks, including Shabak, Kakai, Yezidi and Christian or Chaldo-Assyrian forces*"; Global Public Policy Institute (GPPi), *Iraq After ISIL – Sub-State Actors, Local Forces, and the Micro-Politics of Control*, March 2018, https://bit.ly/2EMLqtt, pp. 23-24.

41 Armed Conflict Location and Events Dataset (ACLED), *Special Focus on Coalition Forces in the Middle East: The Global Coalition Against Daesh in Iraq and Syria*, 31 July 2018, https://bit.ly/2SOyQ2B.

42 At the height of its expansion, ISIS is reported to have controlled about one third of Iraq's territory; The Age, *Islamic State Completely 'Evicted' from Iraq, Iraqi PM Says*, 10 December 2017, http://bit.ly/2SO6c1m. For ISIS' territorial expansion and subsequent loss of territory, see BBC, *IS 'Caliphate' Defeated but Jihadist Group Remains a Threat*, 23 March 2019, https://bbc.in/2E2xsm3.

43 Reuters, *Iraq Declares Final Victory over Islamic State*, 9 December 2017, https://reut.rs/2iLU5yi.

44 However, there are concerns that despite the deployment of up to 30,000 ISF and affiliated forces to the Syrian border, several hundred if not more than 1,000 ISIS fighters may have fled to Iraq from Syria, where the group has come under increased military pressure; AP, *IS Move from Syria to Iraq, Destabilize Country's Security Say Officials*, 23 February 2019, https://bit.ly/2SXuLdc; Al Jazeera, *Iraq on High Alert for ISIL Fighters Fleeing Syria*, 21 February 2019, https://bit.ly/2NxNEO6; CNN, *ISIS Fighters Have Been Fleeing into Iraq, Perhaps with Millions of Dollars in Tow*, 18 February 2019, https://cnn.it/2BPNZqT; Reuters, *On Iraq's Border with Syria, Iran-Backed Militia Warily Eye U.S Forces*, 12 December 2018, https://reut.rs/2GetrNb; NBC News, *Iraq Deploys up to 30,000 Fighters to Secure Syrian Border from ISIS*, 2 November 2018, https://nbcnews.to/2AIzvbW.

45 "*Overall, there was a steady decline in attacks from the start to finish of 2018.* (…) *At the start of the year there were 224 incidents* [per month]. *In March, there was an uptick to 239 incidents led by increases in Anbar, Diyala, Kirkuk and Salahaddin, before dropping to 139 the next month. Violence then increased and flatlined from June to October. That started in Diyala and Kirkuk in June, then shifted to Ninewa for the rest of the summer, and then finished in Anbar, Baghdad, Kirkuk and Ninewa in the fall. During the last two months of the year there were some of the fewest incidents ever recorded in the country as the Islamic State largely withdrew from the battlefield*"; Musings on Iraq, *Review of Security Trends in Iraq 2018*, 15 January 2018, https://bit.ly/2TL1dMs. "*In Iraq alone, there were over 1,600 acts of violence perpetrated by Islamic State during 2018*"; Military.com, *Islamic State 2019: An Assessment*, 25 January 2019, http://bit.ly/2Dc4qgJ. According to the Center for Strategic and International Studies (CSIS), ISIS was carrying out an average of 75 attacks per month in 2018, which is more than the monthly average for 2016 (60.5 attacks), but less than 2017 (89.2 attacks); CSIS, *The Islamic State and the Persistent Threat of Extremism in Iraq*, November 2018, https://bit.ly/2S19CcQ, p. 1. See also, Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html; ACLED, *Ten Conflicts to Worry About in 2019*, 1 February 2019, https://bit.ly/2N6ioFF; Yahoo, *Worldwide Terror Attacks Shrink to Lowest Level Since 2011, Reveals New Report from Jane's by IHS Markit*, 23 January 2019, https://bit.ly/2TtrdiA.

46 "*As the new year began the Islamic State began picking up its attacks in Iraq.* (…) *The rise in 2019 was due to renewed activity in Anbar, Kirkuk, and Salahaddin"*; Musings on Iraq, *Slight Uptick in Islamic State Ops in Iraq as New Year Begins*, 4 February 2019, https://bit.ly/2SUycAw.

47 "*Security in Iraq remained divided between improvements in major urban areas and setbacks in rural parts of the country attributed to ISIS's continued activity there. For the third quarter in a row, CJTF-OIR* [Combined Joint Task Force – Operation Inherent Resolve] *reported slight increases in ISIS activity in Kirkuk, Diyala, and Salah ad Din provinces. CJTF-OIR also reported increases in ISIS activity in Dahuk, Erbil, Anbar, Ninewah, and Baghdad provinces*"; US Department of Defense, *Lead Inspector General for Operation Inherent Resolve I Quarterly Report to the United States Congress I October 1, 2018 – December 31*, 2018, 4 February 2019, https://bit.ly/2GalvM8, p. 29.

48 See below "*Security in Areas with Continued ISIS Presence*". The UN estimated in a February 2019 report that there were between 14,000 and 18,000 ISIS fighters in Iraq and Syria, including up to 3,000 foreign fighters; UNSC, *Eighth 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/2019/103, 1 February 2019, http://undocs.org/S/2019/103, paras 17, 18. CSIS estimated in October 2018 that ISIS had between 20,000 and 30,000 militants in Iraq and Syria, approximately half of these in Iraq; CSIS, *The Islamic State and the Persistent Threat of Extremism in Iraq*, November 2018, https://bit.ly/2S19CcQ, pp. 3-4. See also, BBC, *How Many IS Foreign Fighters Are Left in Iraq and Syria?*, 20 February 2019, https://bbc.in/2TqiL4s.

49 UNSC, *Implementation of Resolution 2421 (2018)*, 1 February 2019, https://bit.ly/2H5licP, para. 15.

Since 2003, Iraq has seen a proliferation of armed actors challenging the state's monopoly on legitimate violence.[50] The three-year conflict against ISIS, characterized by the initial near-collapse of the army and other security forces, has further empowered a vast array of armed groups, collectively known as PMF.[51] PMF groups are reported to have played a key role in ISIS's military and territorial defeat and enjoy popularity among Iraq's Shi'ite population in particular.[52]

The PMF represent dozens of highly heterogeneous armed groups with varying ideologies and allegiances.[53] In 2016, the government institutionalized the PMF as "*an independent military formation as part of the Iraqi armed forces and linked to the Commander-in-Chief*".[54] 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.[55] The PMF fall administratively under the state-run PMF Commission; however, the level of integration of the PMF's various components varies significantly and as a result they exist both as part of and outside the formal security apparatus.[56] Following the May

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50 ICG, *Iraq's Paramilitary Groups: The Challenge of Rebuilding a Functioning State*, 30 July 2018, https://bit.ly/2T2VLrS (hereafter: ICG, *Iraq's Paramilitary Groups*, 30 July 2018, https://bit.ly/2T2VLrS), p. 1; KAS, *Alternative Governance – Non-State Armed Groups and the Iraqi Reconstruction Process*, Research Paper No. 3, June 2018, http://bit.ly/2X0wkFS, p. 3.

51 Al-Bayan Center for Planning and Studies, *The Future of Iraq's Armed Forces*, March 2016, https://bit.ly/2GtD3SF, pp. 16-21; BBC, *Factors Behind the Precipitate Collapse of Iraq's Army*, 13 June 2014, https://bbc.in/2MSZdiw; New York Times, *The Iraqi Army Was Crumbling Long Before Its Collapse, U.S. Officials Say*, 12 June 2014, https://nyti.ms/1qDb6Hd.

52 ISPI, *The Osmotic Path: The PMU and the Iraqi State*, 30 October 2018, https://bit.ly/2SzpxDn; ICG, *Iraq's Paramilitary Groups*, 30 July 2018, https://bit.ly/2T2VLrS, p. *i*; War on the Rocks, *More than Militias: Iraq's Popular Mobilization Forces Are here to Stay*, 3 April 2018, https://bit.ly/2GEf4Bq; The Century Foundation, *Understanding Iraq's Hashd al-Sha'bi*, 5 March 2018, https://bit.ly/2oXcbQH.

53 "*The 'Hashd' is an amalgam of around 50 armed groups of varying coercive capabilities, levels of organisation and attitudes towards the central government of Iraq*"; Clingendael Institute, *From Soldiers to Politicians? – Iraq's Al-Hashd Al-Sha'abi 'on the March'*, November 2018, http://bit.ly/2UUDHg7, p. 2. "*Tensions among these groups are common and intra-Hashd competition is rife*"; ICG, *Iraq's Paramilitary Groups*, 30 July 2018, https://bit.ly/2T2VLrS, p. 20. "(...) *the estimated number of mobilized PMU fighters is now between 90,000 and 150,000, mainly Shia (Arab and non-Arab), but also comprised of Arab Sunni, Arab Christians, Turkmens and Yazidis. The Iraqi government estimates the existence of about 110,000–120,000 fighters regularly paid by the state*"; ISPI, *The Osmotic Path: The PMU and the Iraqi State*, 30 October 2018, https://bit.ly/2SzpxDn. "*The PMF includes groups with competing ideologies and rivalling allegiances to Iranian Supreme Leader Ali Khamenei, Grand Ayatollah Ali al-Sistani, and Iraqi Shia cleric Muqtada al-Sadr. However, the most powerful groups and leaders in the PMF come from a network of conservative Shia Islamists who enjoy good relations with Khamenei and the regime in Tehran*"; War on the Rocks, *More than Militias: Iraq's Popular Mobilization Forces Are here to Stay*, 3 April 2018, https://bit.ly/2GEf4Bq. See also, ICG, *Iraq's Paramilitary Groups*, 30 July 2018, https://bit.ly/2T2VLrS; LSE, *The Popular Mobilisation Forces and the Balancing of Formal and Informal Power*, 15 March 2018, https://bit.ly/2MVdCea.

54 Executive Order 91 of February 2016 and Law No. 40 (2016) of November 2016. Law No. 40 (2016) is available in Arabic at: www.moj.gov.iq/view.2899/. The law replaced Executive Order No. 91 of 2016, which is available in English translation at: The Long War Journal, *Iraq's Prime Minister Establishes Popular Mobilization Forces as a Permanent 'Independent Military Formation'*, 28 July 2016, https://bit.ly/2TEr4FG.

55 Reuters, *Iraq's Shi'ite Militias Formally Inducted into Security Forces*, 8 March 2018, https://reut.rs/2Iaz9MS.

56 "*Many Hashd groups intend to integrate into the ISF and/or disband, but several do not. Most of the latter are Iran-affiliated. The present plurality of security provision in Iraq and the fragmented nature of its political landscape mean that it will be difficult to force these groups to comply. They have too much influence, legitimacy and coercive capacity*"; Clingendael Institute, *From Soldiers to Politicians? – Iraq's Al-Hashd Al-Sha'abi 'on the March'*, November 2018, http://bit.ly/2UUDHg7, p. 12. "(…) *being legally state-sanctioned has not translated into state-controlled*"; KAS, *Alternative Governance – Non-State Armed Groups and the Iraqi Reconstruction Process*, Research Paper No. 3, June 2018, http://bit.ly/2X0wkFS, p. 12. "*Government officials indicated to the Special Rapporteur that PMF is fully integrated with State forces and responds to a single chain of command. However, there is a widespread perception that PMF fighters keep an allegiance to their commanders rather than to the Iraqi State. In the future, the vast majority of PMF fighters are to be integrated into the regular Iraqi armed forces*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on Her Mission to Iraq*, 5 June 2018, A/HRC/38/44/Add.1, www.refworld.org/docid/5b7ad39d4.html (hereafter: UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html), para. 29. "*Hashd leaders benefit from the state's weakness, undermining its legitimacy by acting in the security, political and economic spheres outside the chain of command and the formal security apparatus*"; ICG, *Iraq's Paramilitary Groups*, 30 July 2018, https://bit.ly/2T2VLrS, p. 2. "*The PMF retains the image and prominence of a state actor but the autonomy of a non-state actor*"; War on the Rocks, *More than Militias: Iraq's Popular Mobilization Forces Are here to Stay*, 3 April 2018, https://bit.ly/2GEf4Bq. "(...) *armed groups serve simultaneously as formal and informal actors, blurring the distinction between state, non-state, and hybrid.*" And further: "*These paramilitary groups simultaneously cooperate and compete against the state for power, legitimacy, and capacity. This competition is not only military, but extends to the political and socio-economic realms*"; LSE, *The Popular Mobilisation Forces and the Balancing of Formal and Informal Power*, 15 March 2018, https://bit.ly/2MVdCea.

2018 parliamentary elections, some PMF groups have become part of the government,[57] while some also operate both in the formal and informal economic sector.[58] It has been reported that different PMF factions are increasingly engaged in a competition over power and resources.[59] Some PMF groups have been held responsible for a range of human rights abuses against alleged ISIS suspects,[60] as well as the targeting of critics and those perceived to be contravening strict Islamic rules.[61]

Certain political and security developments, including the 2017 independence referendum and subsequent military stand-off between the Iraqi Government and the KRG,[62] the May 2018 parliamentary elections and subsequent slow government formation process,[63] as well as popular protests, which resulted in the deployment of military forces to the South, are reported to have diverted some focus away from the government's continued fight against ISIS.[64]

Observers further note that the government's failure to address the root causes of instability and violence, including the weak rule of law and heavy-handed counterterrorism tactics,[65] confessional politics, tensions between the central government and the KRG, endemic corruption,[66] and gaps in the provision of services,[67] result in popular dissatisfaction with the government[68] and risk a renewed strengthening of ISIS.[69]

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57 See Section II.A.1 ("*May 2018 Parliamentary Elections*").

58 "*The Hashd have attained a profile in the economic sphere, too, competing with more traditional actors, such as the state, to provide reconstruction and services to citizens. They have done so particularly in areas retaken from ISIS, many of which suffered heavy destruction.* (…) *Beyond the formal economy, the Hashd are active in black markets and smuggling. In much of Iraq, and particularly in areas retaken from ISIS, they man checkpoints, decorating the metal posts with portraits of their 'martyrs' and leaders and levying fees on travelers*"; ICG, *Iraq's Paramilitary Groups*, 30 July 2018, https://bit.ly/2T2VLrS, pp. ii, 12. See also, Los Angeles Times, *In Iraq, Iran-Affiliated Militias that Helped Rout Islamic State Wield Growing Clout*, 13 February 2019, https://lat.ms/2SEkVgs; Reuters, *Exclusive: Iran-Backed Groups Corner Iraq's Postwar Scrap Metal Market – Sources*, 13 February 2019, https://reut.rs/2GElNdv.

59 "(…) *intra-PMU rivalries will be fought out through covert assassinations or imprisonment of potential dissidents as the organization centralizes power over the many disparate groups that make up the PMU*"; Chatham House, *Iraq's Paramilitaries Are Turning on Their Own Ranks*, 26 February 2019, https://bit.ly/2EidkKs. "*Low-level violence is likely in Baghdad in the form of targeted killings and attacks on rival properties and businesses* (…)"; Jane's 360, *Competition for Iraqi Government Posts Likely to Drive Increased Threat of Fighting Between Rival Militias in Baghdad*, 24 January 2019, https://bit.ly/2EllYaP. See also, Al-Monitor, *PMU Whittles Membership as Iraqi Government Absorbs Militia*, 21 February 2019, http://almon.co/368l; The New Arab, *Iraq's Hashd al-Shaabi Militia Arrest Commander Who Criticised Iran*, 9 February 2019, https://bit.ly/2H660oe.

60 See Sections II.E.1.a ("*Human Rights Violations by Iraqi Authorities and Affiliated Forces*") and III.A.1 ("*Persons Wrongly Suspected of Supporting ISIS*").

61 "*One of the justifications for according the PMF official status was to improve discipline and accountability. It has instead consolidated the power of the PMF and enabled its constituent militias to detain and assassinate critics with impunity.*" And further: "*In 2018 arbitrary detention, torture and summary killings committed by the PMF and by the Iraqi Security Forces and police are not confined to those violations related to the ISIS conflict, or to revenge or punishment attacks against Sunni communities, but have also targeted a wide range of civilian activists including protestors, media professionals, lawyers, women in public life, and other human rights defenders, from all communities*"; Ceasefire Centre for Civilian Rights / Minority Rights Group International (MRGI), *Civilian Activists under Threat in Iraq*, December 2018, https://bit.ly/2UnHNgl, pp. 24-25. See in particular risk profiles III.A.3, 5.b, 6, 8.a and 10 (and sources therein).

62 See Section II.A.3 ("*October 2017 Independence Referendum*").

63 See Section. II.A.1 ("*May 2018 Parliamentary Elections*").

64 Combating Terrorism Center at West Point (CTC), *From Caliphate to Caves: The Islamic State's Asymmetric War in Northern Iraq*, Vol. 11(8), September 2018, https://bit.ly/2TRRIej, pp. 30-34; ISW, *ISIS's Second Resurgence*, 2 October 2018, https://bit.ly/2y28pL9; Reuters, *Iraqi Protesters Storm Local Government Building amid Anger over Graft*, 14 July 2018, https://reut.rs/2Nhn22e.

65 See Section II.E.1.a ("*Human Rights Violations by Iraqi Authorities and Affiliated Forces*") and III.A.1 ("*Persons Wrongly Suspected of Supporting ISIS*").

66 See Section II.E.3 ("*The Ability and Willingness of the State to Protect Civilians from Human Rights Abuses*").

67 "*Baghdad lacks the resources or institutional capacity to address longstanding economic development and basic services challenges, and it faces reconstruction costs in the aftermath of the counter-ISIS campaign, estimated by the World Bank at $88 billion*"; Office of the Director of National Intelligence, *Worldwide Threat Assessment of the US Intelligence Community*, 29 January 2019, https://bit.ly/2Gx1MGP, p. 31. See also Section II.F ("*Humanitarian Situation*").

68 War on the Rocks, *Summer is Coming: The Crucible for the New Iraqi Government*, 16 January 2019, https://bit.ly/2BE8OVV. See also below "*Security in the Southern Governorates*".

69 "*Iraq is facing an increasingly disenchanted public. The underlying political and economic factors that facilitated the rise of ISIS persist* (…)"; Office of the Director of National Intelligence, *Worldwide Threat Assessment of the US Intelligence Community*, 29 January 2019, https://bit.ly/2Gx1MGP, p. 31. "*The Iraqi government has not addressed risk factors that contribute to instability, including the cost of reconstruction, economic stagnation, corruption, and ungoverned spaces in disputed regions across the*

2) Security in Areas with Continued ISIS Presence or Influence

Despite territorial losses and reduced capabilities,[70] ISIS is reported to operate with considerable freedom of movement in remote desert and rural areas in Al-Anbar, Baghdad, Diyala, Kirkuk, Ninewa and Salah Al-Din Governorates, where the ISF maintain a limited presence outside urban centres.[71] At

country." And further: "*A failure to address these factors will surely give the Islamic State the opening to recruit new members and foster an ongoing insurgency*"; CSIS, *The Islamic State and the Persistent Threat of Extremism in Iraq*, November 2018, https://bit.ly/2S19CcQ, pp. 1, 8. See also, Christian Science Monitor, *In Mosul's Enduring Rubble, Fertile Soil for an ISIS Revival*, 13 March 2019, https://bit.ly/2L6d9bx; CNN, *Iraq Defeated ISIS more than a Year Ago. Its Revival Is Already Underway*, 5 March 2019, https://cnn.it/2tQDi2D; The Daily Beast, *On the Run From ISIS in Iraq's 'Bandit Country'*, 27 February 2019, https://bit.ly/2GRg4lr; The New York Review of Books, *Undefeated, ISIS Is Back in Iraq*, 13 February 2019, https://bit.ly/2GJfHsy; Reuters, *No Plan for Mosul: Chaos and Neglect Slow Iraqi City's Recovery*, 4 February 2019, https://reut.rs/2G9Wdhd; ISPI, *Country to Watch in 2019: Iraq*, 27 December 2018, https://bit.ly/2HTvBmg; Voice of America (VOA), *IS Signals Re-Emergence in Parts of Iraq*, 5 December 2018, https://bit.ly/2El8qOn; Buzzfeed, *The Trump White House Says ISIS Has Been Defeated in Iraq. The Data Says Otherwise*, 31 October 2018, https://bit.ly/2PtXAf1; The Guardian, *Rising from the Rubble: 'If We Don't Rebuild Mosul, Maybe ISIS Will Come Back'*, 26 March 2018, https://bit.ly/2MS6aAp.

70 Despite these losses, "*ISIS is re-establishing capable insurgent networks in multiple historical strongholds and linking them together, setting the conditions for future offensive operations against the Government of Iraq*"; ISW, *ISIS Re-Establishes Historical Sanctuary in Iraq*, 7 March 2019, https://bit.ly/2IYhgUk. "*ISIL has substantially evolved into a covert network in Iraq, where it prioritizes local operation. It is in a phase of transition, adaptation and consolidation. It is organizing cells at the provincial level, replicating the key leadership functions*"; UNSC, *Eighth 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/2019/103, 1 February 2019, http://undocs.org/S/2019/103, para. 5. See also, Garda World, *Iraq Country Report – Terrorism*, last updated 28 December 2018, https://bit.ly/2Svvw8i.

71 "*ISIL remnants continue to pose an asymmetric threat in northern and north-central Iraq (Kirkuk, Ninawa and Salah al-Din Governorates) and in central Iraq (Anbar, Baghdad and Diyala Governorates)*"; UNSC, *Implementation of Resolution 2421 (2018)*, 1 February 2019, https://bit.ly/2H5licP, para. 14. "*Villagers in Kirkuk complained that ISIS is able to evade security forces, who only set up checkpoints on major roads, and take several hours to arrive when called to respond to an ISIS attack. This lack of persistent presence discourages cooperation from local civilians and allows ISIS greater freedom of movement*"; US Department of Defense, *Lead Inspector General for Operation Inherent Resolve I Quarterly Report to the United States Congress I October 1, 2018 – December 31, 2018*, 4 February 2019, https://bit.ly/2GalvM8, p. 31. "*In numerous villages and small towns, IS is indeed in real control at night, while the Iraqi security forces are trivialising or underestimating their significance*"; ISPI, *Country to Watch in 2019: Iraq*, 27 December 2018, https://bit.ly/2HTvBmg. ISIS "*maintains permanently operating attack cells in at least 27 areas within Iraq*," including in: "*Al-Qaim, Wadi Horan/Rutbah and Lake Tharthar/Hit/Ramadi (Al-Anbar province; the southern Jallam Desert (southern of Samarra), Baiji, Sharqat, Pulkhana (near Tuz), and Mutabijah/Udaim (Salah Al-Din Governorate); Tarmiyah, Taji, Rashidiyah, Jurf as-Sakr/Latifiyah/Yusufiyah, Jisr Diyala/Madain, and Radwaniyah/Abu Ghraib in the Baghdad belts; Hawijah, Rashad, Zab, Dibis, Makhmour, and Ghaeda in or near Kirkuk province; Muqdadiyah, Jawlawla/Saadiyah/Qara Tapa, and Mandali in Diyala; and Mosul city, Qayyarah, Hatra, and the Iraq-Turkey Pipeline corridor southwest of Mosul, Badush, and Sinjar/Syrian border in Nineveh*"; CTC, *The Islamic State Inside Iraq: Losing Power or Preserving Strength?*, CTC Sentinel Vol. 11(11), December 2018, http://bit.ly/2GDIrTu. "*The lack of an official military presence throughout ungoverned space and disputed territories in Kirkuk and Salah ad-Dine provinces have enabled Islamic State militants to operate freely. This is due in part to the security vacuum caused by the forced withdrawal of Kurdish Peshmerga from these areas following the Kurdish referendum*"; CSIS, *The Islamic State and the Persistent Threat of Extremism in Iraq*, November 2018, https://bit.ly/2S19CcQ, p. 4. "*ISIS retains a small control zone where it continues to govern a local population north of Baiji in Northern Iraq. It also retains established support zones in areas south of Kirkuk City including Daquq, Hawija, Riyadh, and Rashad Districts as well as rural areas around Lake Hamrin in the Diyala River Valley. ISIS possesses the ability to move freely across this terrain at night and is actively waging attacks to expand its freedom of movement during the day*"; ISW, *ISIS's Second Resurgence*, 2 October 2018, https://bit.ly/2y28pL9. In April 2019, ISW reported that ISIS was "*reestablishing a support zone in the southwest quadrant of the Baghdad Belts in order to link its operations in Anbar Province to Baghdad and Southern Iraq*" and was "*working to rebuild its networks in Northern Babil Province*"; ISW, *ISIS Resurgence Update – April 2019*, 19 April 2019, https://bit.ly/2ZtaOuk. In the same report, see also the map depicting ISIS' operating areas in Iraq and Syria as of 16 April 2019.See also, ISW, *ISIS Re-Establishes Historical Sanctuary in Iraq*, 7 March 2019, https://bit.ly/2IYhgUk.

night in particular, ISIS is said to control many of these areas.[72] ISIS maintains the capacity[73] to launch hit-and-run attacks as demonstrated by targeted assassinations, including of local leaders,[74] kidnappings as well as improvised explosive devices (IED) attacks targeting civilians and security forces.[75] The Center for Strategic and International Studies (CSIS) noted that "*despite a decrease in the total number of Islamic State attacks across Iraq, attacks against government targets have increased from 2017 to 2018*."[76]

Attacks by ISIS occur predominantly in areas previously held by the group, with a reported increase in attacks in the disputed areas of Kirkuk Governorate and Khanaqin District (Diyala Governorate).[77]

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72 "*The jihadists thrive in the dark, attacking check points, kidnapping civilians and security officials, ransoming some and killing others. They also plant improvised explosive devices or IEDs* (…)"; PBS, *After Losing most of Its Control in Iraq, ISIS Is Starting to Reemerge*, 2 December 2018, https://to.pbs.org/2BLWV0x. According to Mike Knights of the Washington Institute, "*You can say that almost all of Iraq has been liberated from ISIS during the day, but you can't say that at night.* (…) *At night, ISIS controls a lot more territory than it does during the day. If you speak to Iraqi and coalition intelligence officials in Baghdad ... they'll tell you that Islamic State fighters have complete freedom of maneuver at night in many areas*"; The Atlantic, *ISIS never Went Away in Iraq*, 31 August 2018, https://bit.ly/2LMzcPw. See also, CNN, I*raq Defeated ISIS more than a Year Ago. Its Revival Is Already Underway*, 5 March 2019, https://cnn.it/2tQDi2D; Buzzfeed, *The Trump White House Says ISIS Has Been Defeated in Iraq. The Data Says Otherwise*, 31 October 2018, https://bit.ly/2PtXAf1; VOA, *US Military: IS Still Poses Threat in Iraq, Syria*, 25 October 2018, https://bit.ly/2qa5s6X.

73 Between January and October 2018, Michael Knights recorded "*1,271 attacks (of which 762 were explosive events, including 135 attempted mass-casualty attacks and 270 effective roadside bombings). As important, the Islamic State attempted to overrun 120 Iraqi security force checkpoints or outposts and executed 148 precise killings of specifically targeted individuals such as village mukhtars, tribal heads, district council members, or security force leaders*"; CTC, *The Islamic State Inside Iraq: Losing Power or Preserving Strength?*, CTC Sentinel Vol. 11(11), December 2018, http://bit.ly/2GDIrTu.

74 A particular focus of ISIS has reportedly been the assassination of village elders ("*mukhtars*") and tribal leaders. According to Michael Knights of the Washington Institute, the number of *mukhtars* being killed was a good indicator to assess ISIS' strength. The killing of a *mukhtar* "*affects every single person in that village.* (…) *They know Isis can walk into that village, kill the most important person there and leave*"; Financial Times, *ISIS Returns to Insurgent Roots after Battlefield Defeats*, 5 December 2018, https://on.ft.com/2I57Jfk; The Atlantic, *ISIS never Went Away in Iraq*, 31 August 2018, https://bit.ly/2LMzcPw. "*In 2018, ISIS fighters captured and extrajudicially killed civilians, often targeting community leaders and Iraqi armed forces*"; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html. See also Section III.A.2 ("*Persons Associated with, or Perceived as Supportive of, the Government*").

75 "*Much like the insurgent tactics of Al Qaeda in Iraq (AQI), and the Islamic State in Iraq (ISI) – the Islamic State's predecessors – Islamic State militants are seizing on local grievances, taking advantage of ungoverned space by operating from cell structures to conduct hit and run attacks, kidnappings for ransom, targeted assassinations, and bombings using improvised explosive devices*"; CSIS, *The Islamic State and the Persistent Threat of Extremism in Iraq*, November 2018, https://bit.ly/2S19CcQ, p. 1. "*Its activities have thus far been limited to small arms attacks, targeted assassinations, and suicide vests (SVESTs). ISIS is steadily scaling up the rate of these attacks, conducting as many as four assassinations per week across Northern and Central Iraq. This violence has expelled civilians from small villages in Diyala and Kirkuk Provinces*"; ISW, *ISIS's Second Resurgence*, 2 October 2018, https://bit.ly/2y28pL9. "*IS militants also target their attacks against civilians primarily at Shiites; Sunni tribesmen perceived as close to government-aligned militias; people believed to be collaborating with Iraqi security forces; and individuals who represent local governance structures, including government officials, village chiefs, and tribal elders*"; ACLED, *The Reconstitution of the Islamic State's Insurgency in Central Iraq*, 5 July 2018, https://bit.ly/2Rj6xWA. See also, Iraqi News, *Bomb Attack Kills Iraqi Driver, Wounds Two Municipal Workers in Baiji*, 27 April 2019, https://bit.ly/2XZBRMz; The New Arab, *Suspected IS Bombing Targets Iraqi Troops in Fallujah*, 16 April 2019, https://bit.ly/2Xz82C6; Iraqi News, *Two People Wounded in Separate Bomb Attacks in Iraq*, 10 April 2019, https://bit.ly/2PtFgQD; Jerusalem Post, *Three ISIS Suicide Bombers Detonate Near Iraq's Sinjar*, 25 March 2019, https://bit.ly/2VoTd7M; Iraqi News, *Bomb Blast Kills Two Iraqi Children in Iraq's Diyala*, 19 March 2019, https://bit.ly/2IUPs3m; Reuters, *Car Bomb Blast Kills Two in Iraq's Mosul: Medics*, 8 March 2019, https://reut.rs/2SU1ATn; Reuters, *Two Dead, 24 Wounded in Blast in Central Mosul*, 28 February 2019, https://bit.ly/2TmCgum; Xinhua, *3 Killed in Bomb Attack Near Iraq's Fallujah*, 26 February 2019, https://bit.ly/2SYQ8Lk; AP, *IS Move from Syria to Iraq, Destabilize Country's Security Say Officials*, 23 February 2019, https://bit.ly/2SXuLdc; The National, *Iraq Fears ISIS Resurgence after Killing of Fishermen*, 24 February 2019, https://bit.ly/2Xnc55s. For an overview of attacks in the last quarter of 2018, see e.g., US Department of Defense, *Lead Inspector General for Operation Inherent Resolve I Quarterly Report to the United States Congress I October 1, 2018 – December 31*, 2018, 4 February 2019, https://bit.ly/2GalvM8, p. 30. See also Sections III.A.2 ("*Persons Associated with, or Perceived as Supportive of, the Government*") and III.A.5 ("*Members of Religious and Minority Ethnic Groups*").

76 CSIS, *The Islamic State and the Persistent Threat of Extremism in Iraq*, November 2018, https://bit.ly/2S19CcQ, p. 1. See also pp. 3 and 4 of the same report.

77 "*Like Diyala, the militants have expanded into Kirkuk city after the central government took over from the Kurds. That is the only major urban area that IS has been able to consistently operate within.* (…) *there was a steady pattern of shoot outs with the security forces, attacks on checkpoints and mukhtars, kidnappings, and 29 towns assaulted. There were also 15 mass casualty bombings there, the most of any province during the year*"; Musings on Iraq, *Review of Security Trends in Iraq 2018*, 15 January 2019, https://bit.ly/2TL1dMs. "*On December 13* [2018]*, Kurdish news site Rudaw reported that in one month alone, IS attacked villages in Iraq's disputed Khanaqin district over 143 times, forcing villagers to flee their homes. A day later, the Iraqi Federal*

These attacks not only cause civilian casualties[78] and new displacement,[79] but also slow down the pace of reconstruction and the return of internally displaced persons (IDPs).[80] ISIS is also reported to attack energy infrastructure and utilities with the aim of undermining popular support for the government.[81] Competition and/or lack of coordination among the various security actors operating in the retaken areas is reported to result in security gaps, which ISIS readily exploits.[82]

Limited military operations against ISIS continue and security forces make frequent arrests of ISIS suspects, dismantle explosive devices, and uncover weapons caches, safe houses and underground tunnels.[83] Persons arrested on account of their actual or perceived ISIS affiliation are reported to be at risk of human rights violations at the hands of state-affiliated security actors.[84]

According to reports, the ISF continue to remain heavily reliant on support from the international coalition, especially with regard to intelligence gathering and analysis,[85] as well as the PMF to secure

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Police, amid a resurgence of IS activity, announced they had dismantled 50 improvised explosive devices (IEDs) in the Kirkuk area. These reports reflect a noticeable increase in IS attacks in the particularly vulnerable disputed regions of Kirkuk and Khanaqin over the past year"; CEIP, *The Islamic State Lives On*, 11 January 2019, https://bit.ly/2DYik88. "*Through October 2018, Islamic State attacks in Kirkuk province have more than doubled from 2017 to 2018. Salah ad-Dine province has also seen an increase in the number of attacks year over year, and Diyala province is similarly on track to see an increase in attacks from 2017 to 2018.*" The number of attacks recorded in other formerly ISIS-held areas, including in Al-Anbar, Babel, Baghdad and Ninewa Governorates are reported to have dropped compared to previous years; CSIS, *The Islamic State and the Persistent Threat of Extremism in Iraq*, November 2018, https://bit.ly/2S19CcQ, p. 4. On the reported increase in violence in Kirkuk and Salah Al-Din Governorates in early 2019, see Musings on Iraq, *Slight Uptick in Islamic State Ops in Iraq as New Year Begins*, 4 February 2019, https://bit.ly/2SUycAw.

78 "*This type of violence remains a significant threat to civilians, who are often the victims of such attacks*"; ACLED, *Ten Conflicts to Worry About in 2019*, 1 February 2019, https://bit.ly/2N6ioFF. See also Section II.C ("*Civilian Casualties*").

79 See Section II.D.1 ("*Internal Displacement*").

80 "*ISIL cells in Iraq appear to be planning activities that undermine government authority, create an atmosphere of lawlessness, sabotage societal reconciliation and increase the cost of reconstruction and counter-terrorism*"; UNSC, *Eighth 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/2019/103, 1 February 2019, http://undocs.org/S/2019/103, para. 19. "*Sporadic and asymmetric small-scale attacks by pockets of ISIS in the liberated areas still persist after crushing defeat of ISIS in 2017 and the security situations have caused the slow progress of reconstruction and the return of the IDPs*"; iMMAP-IHF, *Humanitarian Access Response – Monthly Security Incidents Situation Report (January 2019)*, 31 January 2019, https://bit.ly/2HYiS1C, p. 1. See also Section II.D.3.a ("*Obstacles to Return*").

81 See Section II.F.6 ("*Water, Sanitation, and Electricity*").

82 The lack of coordination is reported to be particularly evident in in the disputed areas following the withdrawal of Kurdish forces and the re-establishment of central government control, leaving what observers describe as a security vacuum. "*Many security forces operate in Kirkuk and Khanaqin, namely the Kurdish Peshmerga, the Iraqi federal police, the Iraqi army and affiliated counter-terrorism units, and the controversial Popular Mobilization Units (PMU). This translates into a complex security framework in which there is little coordination, as rivalries disrupt communication between groups*"; CEIP, *The Islamic State Lives On*, 11 January 2019, https://bit.ly/2DYik88. "*This lack of coordination has allowed ISIS to set up fake checkpoints, posing as government security officials to then stop vehicles and kidnap civilians or members of security forces*"; PBS, *After Losing most of Its Control in Iraq, ISIS Is Starting to Reemerge*, 2 December 2018, https://to.pbs.org/2BLWV0x. "*ISIS continued to exploit the security gaps created by the lack of coordination between the ISF and the Kurdish Peshmerga to shelter their forces and launch attacks in the Iraqi Kurdish Region and other parts of northern Iraq*"; US Department of Defense, *Lead Inspector General for Operation Inherent Resolve I Quarterly Report to the United States Congress I October 1, 2018 – December 31, 2018*, 4 February 2019, https://bit.ly/2GalvM8, p. 33. "*The* (…) *military standoff between the Government of Iraq and Iraqi Kurdistan disrupted operations against ISIS and created opportunities for ISIS to expand in the Disputed Internal Boundaries (DIBs) with Iraqi Kurdistan*"; ISW, *ISIS's Second Resurgence*, 2 October 2018, https://bit.ly/2y28pL9. See also, Rudaw, *Is ISIS Winning Hearts and Minds in Iraq's Makhmour?,* 18 April 2019, https://bit.ly/2GBNt19; Musings on Iraq, *Security Handover in Diyala Allows Islamic State to Rebuild*, 27 November 2018, https://bit.ly/2tEtQzx; Middle East Center for Reporting and Analysis, *The Iraqi Army and Kurdish Peshmerga Are not Coordinating Operations Against Islamic State*, 5 August 2018, https://bit.ly/2niJzku.

83 "*While many of the active battlefronts between Iraqi forces and the Islamic State (ISIS) had quieted by 2018, military operations continued against sleeper cells and rural ISIS holdouts*"; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html. See also, US Department of Defense, *Lead Inspector General for Operation Inherent Resolve I Quarterly Report to the United States Congress I October 1, 2018 – December 31, 2018*, 4 February 2019, https://bit.ly/2GalvM8, p. 34. See also, Gulf News, *Thirteen ISIS Elements Arrested in Northern Iraq*, 5 February 2019, https://bit.ly/2DTeg8S; Iraqi News, *Iraq Security Kill Terrorist, Arrest 8 in Diyala Province*, 29 January 2019, https://bit.ly/2RFwRcr; Agence France-Presse (AFP), *Shaken by Car Bomb, Mosul Fears Return of IS Nightmares*, 9 November 2018, https://bit.ly/2DcCMjE.

84 See Sections II.E.1 ("*Human Rights Situation – State Actors*") and III.A.1 ("*Persons Wrongly Suspected of Supporting ISIS*").

85 Los Angeles Times, *Iraq's New War Against Islamic State: Halting the Group's Budding Rural Resurgence*, 8 March 2019, https://lat.ms/2VRy3fl; New York Times, *Acting U.S. Defense Secretary Makes Surprise Visit to Iraq*, 12 February 2019,

areas retaken from ISIS.[86] In many retaken areas, PMF groups are reported to compete with the ISF and the Kurdish security forces, respectively, over control and authority,[87] and reports speak of harassment and abuse against civilians by these groups.[88]

3) Security in Baghdad

Along with the general security improvements in 2018 and into 2019, security in Baghdad is reported to have largely stabilized.[89] Throughout 2018, ISIS remnants remained active in the small towns in the outer regions of the governorate ("Baghdad Belts") and launched occasional IED attacks against civilian targets;[90] however, its capacity to stage mass casualty attacks was reported to have significantly reduced.[91] In early 2019, ISIS was reported to have largely pulled out while the ISF established greater

https://nyti.ms/2E4t6JK; US Department of Defense, *Lead Inspector General for Operation Inherent Resolve I Quarterly Report to the United States Congress I October 1, 2018 – December 31, 2018*, 4 February 2019, https://bit.ly/2GalvM8, p. 8.

86 "(…) *security forces lack the capacity to patrol the entire country (apart from the Kurdish region, which has its own forces), obliging them to rely on the Hashd for help.* (…) *In the disputed territories, they frequently perform raids and inspections to track ISIS, and set up checkpoints to monitor the movement of people*"; ICG, *Iraq's Paramilitary Groups*, 30 July 2018, https://bit.ly/2T2VLrS, p. 16. "*Although the Iraqi armed forces have since recovered, the state's weakness has allowed many of these paramilitary groups to continue to control territory in liberated areas from Mosul to Kirkuk*"; War on the Rocks, *More than Militias: Iraq's Popular Mobilization Forces Are here to Stay*, 3 April 2018, https://bit.ly/2GEf4Bq. See also, LSE, *The Popular Mobilisation Forces and the Balancing of Formal and Informal Power*, 15 March 2018, https://bit.ly/2MVdCea.

87 "*PMF fighters reportedly have also harassed individual members of the Kurdish fighting force, the Peshmerga, in Diyala, Kirkuk, and Ninewah provinces*"; US Department of Defense, *Lead Inspector General for Operation Inherent Resolve I Quarterly Report to the United States Congress I October 1, 2018 – December 31, 2018*, 4 February 2019, https://bit.ly/2GalvM8, p. 41. "*Clashes between Hashd and regular security forces are frequent*"; ICG, *Iraq's Paramilitary Groups*, 30 July 2018, https://bit.ly/2T2VLrS, p. 20.

88 "*In Sunni towns, the militias have established political and recruitment offices and operate checkpoints along major roads (and even smaller interior pathways), levying taxes on truckers moving oil, household goods and food. Some militiamen have engaged in 'mafia-like practices,' several Iraqi and U.S. officials said, demanding protection money from both large and small businesses, while shaking down motorists at checkpoints to permit them to pass*"; Washington Post, *As Iraq's Shiite Militias Expand Their Reach, Concerns about an ISIS Revival Grow*, 9 January 2019, https://wapo.st/2QJwJId. "(…) *different Hashd groups are reported to have engaged in illicit activities like extortion, looting and levying tariffs on goods at checkpoints*"; Clingendael Institute, *From Soldiers to Politicians? – Iraq's Al-Hashd Al-Sha'abi 'on the March'*, November 2018, http://bit.ly/2UUDHg7, p. 11. "*In areas retaken from ISIS, locals complain that the Hashd are growing lawless and blatantly partisan. In Mosul, for example, several residents claimed that, far from providing protection, the Hashd were reaping illicit profit, whether through extortion or looting. Fighters have erected checkpoints throughout northern Iraq to levy tariffs on traders*"; ICG, *Iraq's Paramilitary Groups*, 30 July 2018, https://bit.ly/2T2VLrS, p. 19.

89 Musings on Iraq, *Review of Security Trends in Iraq 2018*, 15 January 2018, https://bit.ly/2TL1dMs. The ISF are reported to have removed many checkpoints and barriers and have partially reopened the so-called "*Green Zone*"; Los Angeles Times, *Baghdad Is Reemerging from 15 Blood-Soaked Years, but the City now Barely Functions*, 27 January 2019, https://lat.ms/2RSGtFy; Al Jazeera, *Baghdad's Green Zone Opens Its Gates to Public after 15 Years*, 22 December 2018, https://aje.io/cnb7s; Rudaw, *Baghdad Removes Blast Walls, Checkpoints from Public Roads*, 11 August 2018, https://bit.ly/2MOSOF5. Still, "*the IZ* [International Zone, or "Green Zone"] *remains a restricted-access area under the control of Iraqi authorities."* And further: "*In addition to the numerous government security checkpoints throughout Baghdad, improvised checkpoints appear without notice* (…)"; US Department of State / Bureau of Diplomatic Security, *Iraq 2019 Crime & Safety Report: Baghdad*, 27 February 2019, http://bit.ly/2OkUVkx.

90 According to Musings on Iraq, in 2018 Baghdad saw an average of 33 attacks per month, the third most in the country. "*Almost all the attacks are small as well such as shootings and IEDs. They also occur mostly in the towns in the outer north and south, and to a lesser degree in the west* [Baghdad Belts]"; Musings on Iraq, *Review of Security Trends in Iraq 2018*, 15 January 2018, https://bit.ly/2TL1dMs. "*In Baghdad, ISIS's attack pattern indicates that it* [ISIS] *is likely reconstituting support and logistical networks throughout the Baghdad Belts, replicating its safe havens in 2006 - 2007. ISIS has not yet returned to the systematic use of vehicle-borne IEDs (VBIEDs), which were a hallmark of its resurgence in 2011 – 2013*"; ISW, *ISIS's Second Resurgence*, 2 October 2018, https://bit.ly/2y28pL9. See also, Xinhua, *Gunmen Kill 3 in Coffee Shop Near Iraq's Capital*, 29 January 2019, https://bit.ly/2Sso8P7. In most months, Baghdad accounts for the highest number of civilian casualties; see Section II.C ("*Civilian Casualties*").

91 "*ISIS has continued to try to target Baghdad, but has not successfully detonated a major car bomb in the city in more than a year. Security forces foiled 14 bombing attempts in November alone, according to the head of the Iraqi Baghdad Operations Command*"; US Department of Defense, *Lead Inspector General for Operation Inherent Resolve I Quarterly Report to the United States Congress I October 1, 2018 - December 31, 2018*, 4 February 2019, https://bit.ly/2GalvM8, p. 32. The last mass casualty attack involving two suicide bombers occurred on 15 January 2018, killing over 36 civilians in central Baghdad. ISIS claimed responsibility for the attacks, saying it had targeted "*rafidha*" and "*polytheists*", terms used to describe Shi'ites in a derogatory manner; New York Times, *ISIS Claims Responsibility for Baghdad Bombings*, 17 January 2018, https://nyti.ms/2mEt5Cu. See also, Iraqi News, *Suicide Attacker Killed Before Targeting Shia Worshippers in Baghdad*, 29 October 2018, https://bit.ly/2qpf2mp;

control of the "Baghdad Belts", which resulted in a further reduction in security incidents.[92] However, by April 2019, ISIS had reportedly sought to expand its support zone in the southwestern areas of the Baghdad Belts.[93]

While reports described near-daily kidnappings for political reasons or ransom in recent years,[94] a decline has been reported in 2018 and into 2019.[95] Baghdad continues to see instances of targeted assassinations of high-profile figures.[96]

4) Security in the Southern Governorates[97]

In late 2014, significant numbers of ISF members were deployed from the South to other parts of the country to fight ISIS. Since then, criminal gangs, militias and tribes are reported to have exploited the ensuing security vacuum.[98] Armed robberies, kidnappings for ransom or intimidation,[99] drug trafficking, extortion and payment of protection fees, as well as tribal feuds are reported to be a common occurrence.[100] Feuds between tribes often involve gun violence and even the use of heavy weapons, resulting in casualties among bystanders.[101] The use of small IEDs as an intimidation tactic mostly by tribes has also been reported.[102] According to 2018 survey findings, many civilians in Basrah had

Iraqi News, *Iraqi Security Thwart Terrorist Attack Against Shiite Visitors in Baghdad*, 7 October 2018, https://bit.ly/2RR0o4b. For further attacks against Shi'ites, see also Section III.A.5.a ("*Members of Religious and Minority Ethnic Groups*").

92 In January 2019, Musings on Iraq recorded 12 security incidents in Baghdad (compared to an average of 33 per month in 2018): "*6 of those were in the other northern towns like Taji and Tarmiya, 4 in the outer western towns like Abu Ghraib, and 2 in the outer south. All the attacks were shootings*"; Musings on Iraq, *Slight Uptick in Islamic State Ops in Iraq as New Year Begins*, 4 February 2019, https://bit.ly/2SUycAw. "*IS has largely withdrawn from the capital province and the Baghdad Operations Command has done a good job trying to control the Baghdad Belts consisting of the small towns in the outer regions of the governorate*"; Musings on Iraq, *Security in Iraq Feb 1-7, 2019*, 11 February 2019, https://bit.ly/2DES7Kf.

93 ISW, *ISIS Resurgence Update – April 2019*, 19 April 2019, https://bit.ly/2ZtaOuk; ISW, *ISIS Re-Establishes Historical Sanctuary in Iraq*, 7 March 2019, https://bit.ly/2IYhgUk.

94 "*There are reports of militia groups kidnapping locals, foreign workers, and members of international organizations, and demanding ransoms from either their families or their employers*"; US Department of State / Bureau of Diplomatic Security, *Iraq 2019 Crime & Safety Report: Baghdad*, 27 February 2019, http://bit.ly/2OkUVkx. See also, The New Arab, *'Don't Enter Baghdad': Wave of Murder-Kidnappings Grips Iraq Capital*, 17 May 2017, https://bit.ly/2fbLC9I; Al-Monitor, *Why Are Kidnappings on the Rise in Baghdad?,* 27 January 2017, http://almon.co/2t5p; MEE, *Criminal Kidnappings Are Big Business in Baghdad*, 1 January 2017, https://bit.ly/2EbQsNL.

95 Diyaruna, *Baghdad Sees Steep Decline in Kidnappings*, 5 February 2019, https://bit.ly/2TOZlIP.

96 In 2018, a number of prominent women associated with the beauty and fashion industries were reported to have been murdered, see Section III.A.8.a ("*Women in the Public Sphere*").

97 This document refers to the Governorates of Babel, Basrah, Dhi-Qar, Kerbala, Missan, Muthanna, Najef, Qadissiyah, and Wassit as "*Southern Iraq*".

98 "*When the majority of security forces left for the fight against ISIS, only 8,000 ISF-troops and 500 police officers remained in the city* [of Basrah]*, providing the perfect opportunity for NSAGs, mainly criminal gangs and tribes, some with ties to the PMUs, to flourish*"; KAS, *Alternative Governance – Non-State Armed Groups and the Iraqi Reconstruction Process*, Research Paper No. 3, June 2018, http://bit.ly/2X0wkFS, p. 11. See also, US Department of State / Bureau of Diplomatic Security, *Iraq 2018 Crime & Safety Report: Basrah*, 20 March 2018, http://bit.ly/2DD5BWT; AP, *Drug Use, Sales Soar in Iraq's Basra amid Nationwide Spike*, 2 January 2018, http://bit.ly/2UXAPil.

99 "*Kidnapping for ransom is a common means of monetary gain. Kidnapping for intimidation (to include kidnapping intended to send a 'political' message) is also common in Basrah*"; US Department of State / Bureau of Diplomatic Security, *Iraq 2018 Crime & Safety Report: Basrah*, 20 March 2018, http://bit.ly/2DD5BWT.

100 Iraq after Occupation (blog), *South Iraq Security Report: January 2019*, 2 February 2019, http://bit.ly/2TMRQMf; Los Angeles Times, *Basra Was once a Jewel of a City. Now It's a Symbol of what's Wrong in Iraq*, 13 July 2018, https://lat.ms/2BBWCoz; KAS, *Alternative Governance – Non-State Armed Groups and the Iraqi Reconstruction Process*, Research Paper No. 3, June 2018, http://bit.ly/2X0wkFS, pp. 11, 17-18, 21.

101 See Section III.A.11 ("*Individuals Targeted as Part of Tribal Conflict Resolution, Including Blood Feuds*").

102 "*Throughout southern Iraq, small improvised explosive devices (IED) are used as an intimidation tactic. Known locally as 'sound bombs,' these devices normally result in minor property damage and have been placed under vehicles, outside offices, and near private residences. While these tactics are likely intended to send a message, risk of death or injury still remains for individuals within proximity to a detonation of one of these devices. In 2017, there were approximately 40 incidents of sound bombs being used in southern Iraq to intimidate individuals. Most were due to tribal disputes*"; US Department of State / Bureau of Diplomatic Security, *Iraq 2018 Crime & Safety Report: Basrah*, 20 March 2018, http://bit.ly/2DD5BWT.

experienced violence in the previous year,[103] and a majority, particularly women, considered themselves as "likely" or "somewhat likely" to become victims of violence in the near future.[104]

In 2018, protests[105] over corruption, government neglect, unemployment and poor services, erupted in Basrah and in other southern cities,[106] with some protests turning violent and leading to deaths and injuries among protesters and security forces.[107] The situation is reported to have calmed down following the reinforcement of local security and imposition of a curfew.[108] Protest organizers also reported that they decided to suspend further protests after receiving death threats from militias.[109] Several protest leaders and activists were reportedly assassinated in September and October 2018.[110] At the time of writing, protests continue, with occasional violence reported.[111]

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103 In Basrah, 65 per cent of households surveyed in 2018 reported having experienced at least one incident of violence in the previous year, including verbal abuse and harassment; robbery or seizure of property; forced marriage; assault with a weapon or attempted murder; beating, physical abuse or torture; killing or murder; bombing or explosives; and/or unlawful imprisonment or detention; PAX, *Human Security Survey – Basra*, September 2018, http://bit.ly/2SQVasi, p. 1.

104 Among the 2018 survey respondents, 22 per cent considered it *"likely"* to become a victim of violence in the next year, while 45 per cent considered it "*somewhat likely*"; *Ibid*. The survey also revealed that the proportion of women fearing violence was higher at 76 per cent compared to 56 per cent of men; PAX, *Human Security Survey: Basra, Iraq — 2018, Gender Security Dynamics*, 31 December 2018, http://bit.ly/2SO74TT, p. 1.

105 The number of riots and protests are reported to have spiked in 2018; ACLED, *Ten Conflicts to Worry About in 2019*, 1 February 2019, https://bit.ly/2N6ioFF; CSIS, *The Islamic State and the Persistent Threat of Extremism in Iraq*, November 2018, https://bit.ly/2S19CcQ, pp. 6, 7.

106 "*Demonstrations in Basra kicked off on 8 July* [2018] *and quickly spread to other cities across the south (notably Amarah, Nasiriyah, Karbala and Najaf), as well as parts of Baghdad*"; Aperio Intelligence, *Corruption and Crime Put Basra at the Epicentre of Escalating Iraqi Protests*, 17 September 2018, http://bit.ly/2GHqmUq. See also, ICG, *How to Cope with Iraq's Summer Brushfire*, 31 July 2018, https://bit.ly/2FvFeq4; The Guardian, *Protests Spread Through Cities in Iraq's Oil-Rich Shia South*, 18 July 2018, https://bit.ly/2DDWAgc.

107 "*The predominantly Shiite city is among the poorest areas of Iraq, despite the huge nearby oil reserves that drive the national economy. Although Basra has escaped the terrorist violence that has racked the country for years, its population has struggled with its own set of problems: high unemployment, crumbling infrastructure and rampant organized crime groups with leaders linked to powerful Shiite militias*"; New York Times, *In Strategic Iraqi City, a Week of Deadly Turmoil*, 8 September 2019, https://nyti.ms/2O0EN6Z. In early September 2018, violence was reported to have escalated on both sides with protesters setting fire to government offices, political party and militia headquarters, as well as the Iranian consulate; AFP, *Security Forces Deploy in Iraq's Basra Following Violence*, 8 September 2018, http://bit.ly/2SLY95o; AP, *12 Dead in Basra as Rockets Fired at Airport and Iranian Consulate Torched*, 8 September 2018, http://bit.ly/2RZFRt2. Violence between July and September 2018 is reported to have left at least 20 people dead and 300 others wounded, including 52 members of the security forces, while hundreds were arrested; Office of the High Commissioner for Human Rights (OHCHR), *Press Briefing Notes on Myanmar Freedom of Expression, Iraq Basra Protests and Yemen Attack*, 11 September 2018, https://bit.ly/2SQxHaK.

108 AP, *Calm Returns to Iraq's Basra after Week of Violent Protests*, 9 September 2018, https://bit.ly/2UYfhCl; The New Arab, *Iraq Army Puts Basra on Lock-Down amid Protest Turmoil*, 6 September 2018, https://bit.ly/2UXb5mo. Following an investigation into the violence during the protest, a number of security and local government officials were reportedly dismissed; Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr, p. 2.

109 "*Activists are now the target of systematic death threats and premeditated assassinations.* (…) *Reports of death threats by militias and associated parties have become ubiquitous among activists, many of whom blame the influence of Iran, which supports the largest militias in the PMF, including the Badr Organization. There have also been unconfirmed reports that a hit list of activists' names is circulating among members of Asaib Ahl al-Haq and Hezbollah al-Nujaba, two other PMF militias*"; Ceasefire Centre for Civilian Rights / MRGI, *Civilian Activists under Threat in Iraq*, December 2018, https://bit.ly/2UnHNgl, pp. 14, 16. See also, The Arab Weekly, *Iraqi Activist Shot Dead by Masked Gunmen in Basra*, 26 September 2018, https://bit.ly/2SLr8X2; AP, *Basra Residents Accuse Iran-backed Militias of Intimidation*, 23 September 2018, https://bit.ly/2SyTDYN; AP, *Calm Returns to Iraq's Basra after Week of Violent Protests*, 9 September 2018, https://bit.ly/2UYfhCl.

110 Ceasefire Centre for Civilian Rights / MRGI, *Civilian Activists under Threat in Iraq*, December 2018, https://bit.ly/2UnHNgl, pp. 16, 22. See also Section III.A.3 ("*Persons Opposing, or Perceived to Be Opposing, the Government or those Affiliated with the Government*"), footnote 438.

111 NINA, *Human Rights Commission in Basra: 8 Demonstrators Arrested and Wounded and Two Other Police Officers*, 7 March 2019, http://bit.ly/2IYh4Gl; NINA, *Dozens Protest in Basra to Demand Better Services and Jobs Opportunities*, 1 March 2019, https://bit.ly/2XEVyK5; Janes 360, *Protests in Iraq's Basra Likely Throughout 2019, but Security Force Presence Mitigates Disruption Risk to Oil Sites*, 5 February 2019, https://bit.ly/2S1xGML; NINA, *Demonstrators Call for Job Opportunities, and Security Forces Fire Bullets to Disperse Them North of Basra*, 13 January 2019, https://bit.ly/2NLkivI; Reuters, *Police Use Live Rounds to Disperse Protest in Iraq's Basra for Second Week*, 21 December 2018, https://reut.rs/2rYLZHv.

ISIS is reported to lack operational space and support in the predominantly Shi'ite South, but has in the past years occasionally launched, or attempted to launch, mass casualty attacks, particularly during religious celebrations.[112]

5) Security in the Kurdistan Region

The security situation in the KR-I remains relatively stable, althought the risk of ISIS attacks persists.[113] However, security forces are vigilant in light of the reported presence of homegrown sleeper cells of ISIS and other armed groups, as well as ISIS operations in neighbouring Kirkuk and Diyala Governorates.[114] ISIS remnants are also reported to operate along the Iraqi-Iranian border, from where they have staged attacks in Iran.[115]

Discontent over corruption and worsening economic conditions, particularly the delays in payment of and cuts to salaries of state employees, are reported to have resulted in popular protests in Erbil and Sulaymaniyah in late 2017 and in March 2018. Some protests reportedly turned violent, and human rights organizations expressed concern over the treatment of protestors and journalists covering the protests.[116]

Turkish airstrikes against alleged Kurdistan Workers Party (PKK) positions in parts of the KR-I are reported to regularly cause casualties among fighters and civilians as well as damage to properties.[117]

C. Civilian Casualties

While exact figures are not available, by all accounts tens of thousands of civilians have been killed between 2014 and 2017 as a result of the conflict between the Iraqi Government and ISIS and the

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112 The last major attack was reported on 14 September 2017, when car bombs and a coordinated assault targeted Shi'ite pilgrims near Nasseriyah in Dhi-Qar Governorate, killing at least 80 people. ISIS reportedly claimed responsibility for the attacks; AP, *ISIS Suicide Attack: More than 80 Killed in Southern Iraq*, 15 September 2017, https://bit.ly/2SBxEjV.

113 "*Through 2018, Kurdish security agencies arrested members of ISIS terrorist cells planning attacks in Erbil and the IKR* [Iraqi Kurdistan Region]"; US Department of State / Bureau of Diplomatic Security, *Iraq 2019 Crime & Safety Report: Erbil*, 1 March 2019, http://bit.ly/2HBbVTo.

114 Terrorist attacks remain relatively rare in the KR-I. The last attack was directed against the governorate building in Erbil on 23 July 2018 and reportedly resulted in the killing of one person and the wounding of five members of the security forces. The suspects were reported to have links to ISIS; Kurdistan 24, *Kurdistan Security Council Releases Confessions of Three 'IS Terrorists' Responsible for Erbil Attack*, 2 August 2018, https://bit.ly/2BU0PEs; Reuters, *Security Forces end Attack on Erbil Governorate by Suspected Islamic State Militants*, 23 July 2018, https://reut.rs/2O8WDVL. According to ISW, "*ISIS is expanding its networks in Iraqi Kurdistan*" and "is recruiting and generating attack networks within Iraqi Kurdistan"; ISW, *ISIS Resurgence Update – April 2019*, 19 April 2019, https://bit.ly/2ZtaOuk; ISW, *ISIS Re-Establishes Historical Sanctuary in Iraq*, 7 March 2019, https://bit.ly/2IYhgUk. The ongoing threat is also evidenced by the reported arrests of ISIS members in the KR-I; Rudaw, *Kurdish Security Arrest Man Who Confessed to Moving ISIS Members*, 11 April 2019, https://bit.ly/2IWcVRE; National Iraqi News Agency (NINA), *A Terrorist Plot in Sulaymaniyah Foiled and Elements of 3 Cells of Daesh Organization Arrested*, 3 April 2019, https://bit.ly/2PuRloD; US Department of State / Bureau of Diplomatic Security, *Iraq 2019 Crime & Safety Report: Erbil*, 1 March 2019, http://bit.ly/2HBbVTo; NINA, *Security Council of the Kurdistan Region Announced the Arrest of Two Elements of Daesh in Erbil*, 18 January 2019, https://bit.ly/2Nyp9jF; Rudaw, *Kurdish Security Forces Arrest "Three ISIS Members" in Garmiyan*, 4 February 2019, https://bit.ly/2Ey4tED; ISW, *ISIS's Second Resurgence*, 2 October 2018, https://bit.ly/2y28pL9; Rudaw, *ISIS Cell Captured in Sulaimani Asayesh Ambush*, 12 August 2018, https://bit.ly/2VjiTik; Al Jazeera, *ISIL Sleeper Cell Attacks Remain a Threat in Northern Iraq*, 6 August 2018, https://bit.ly/2ATCwIO; The Arab Weekly, *Iraqi Kurds Wary of Resurgence of Home-Grown Terrorism*, 29 July 2018, https://shar.es/amvSKL; Kurdistan 24, *The Threat from Within: Erbil Attack Exposes Radicalization in Kurdistan*, 25 July 2018, https://bit.ly/2Xosw1n.

115 ISW, *ISIS's Second Resurgence*, 2 October 2018, https://bit.ly/2y28pL9; Reuters, *ISIS Is Going after Iran*, 5 February 2018, https://read.bi/2T2PCM9.

116 Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr; CEIP, *Kurdistan Politics at a Crossroads*, 26 April 2018, https://bit.ly/2SxxhSy; The National, *Iraqi Kurdish Authorities Use Force to Contain Public Discontent*, 26 March 2018, https://bit.ly/2Lu2Ca1; UNAMI, *UNAMI Underlines an Urgent Need for De-Escalation Following Violent Demonstrations in Sulaimaniya*, 23 December 2017, https://bit.ly/2tIZATO. See also Section III.A.4 ("*Persons Opposing, or Perceived to Be Opposing, the KRG or Those Affiliated with the KRG*").

117 Rudaw, *Kurdish Villagers Driven Off Their Mountainsides by Turkish Airstrikes*, 15 February 2019, https://bit.ly/2Vsef1F; UNSC, *Implementation of Resolution 2421 (2018)*, 1 February 2019, https://bit.ly/2H5licP, para. 16; Musings on Iraq, *Islamic State Went into Hibernation in Winter 2018*, 2 January 2019, https://bit.ly/2t2a54h; HRW, *Turkey/Iraq: Strikes May Break Laws of War*, 19 September 2018, www.ecoi.net/en/document/1443747.html.

human rights violations and abuses committed by ISIS and other parties to the conflict.[118] In total, decades of conflict and human rights abuses in Iraq have left hundreds of thousands of people dead or missing.[119]

As of late summer 2017, following the end of the Mosul offensive, monthly casualty figures declined, a trend that continued throughout 2018 and into 2019.[120] At the time of writing, civilian casualties are reported to occur mostly in areas where ISIS maintains a presence.[121] Based on statistics provided by the UN Assistance Mission for Iraq (UNAMI), Baghdad was the worst affected governorate in terms of the total numbers of casualties in most months of 2018, largely as a result of regular small-scale attacks (shootings, IEDs and "sticky bombs") and infrequent mass casualty incidents.[122] In 2018, Baghdad (the most populous governorate of Iraq) was followed (or surpassed in some months), although not always in the same order, by Al-Anbar, Diyala, Ninewa, Kirkuk, Salah Al-Din and Babel Governorates.[123] Based on an analysis of Iraq Body Count (IBC) casualty statistics for 2018, Ninewa Governorate saw the highest civilian casualty rate, i.e. the number of casualties per 100,000 inhabitants (46.5 casualties per 100,000 of population), followed by Kirkuk (18.3), Diyala (16.4), Salah Al-Din (10) and Baghdad (7.4).[124]

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118 There are several data sets on casualties in Iraq based on different methodologies, and the totals recorded by each vary considerably. None of these figures can be considered fully accurate in light of the difficulties to compile reliable data under the current security conditions and all sources stress that these are to be considered "*minimum*" figures. UNAMI recorded an "*absolute minimum*" of 85,123 civilian casualties (29,973 killed and 55,150 wounded) from armed conflict, terrorism and violence from 1 January 2014 to 31 December 2017; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 2. Iraq Body Count (IBC) recorded over 67,000 civilian deaths between January 2014 and December 2017; see Iraqi Body Count, *Database*, accessed 30 April 2019, www.iraqbodycount.org/database/. The Blog "*Musings on Iraq*" *recorded* 17,098 civilian deaths in 2014, 17,339 in Iraq in 2015, 24,091 in 2016 (2016 includes civilian and non-civilian deaths), and 14,541 in 2017; Musings on Iraq, *2017 Security in Iraq in Review Defeat of the Islamic State on the Battlefield*, 3 January 2018, https://bit.ly/2OQFcsS; Musings on Iraq, *24,091 Reported Dead and 39,205 Wounded in Iraq in 2016 (2nd Revision)*, 2 January 2017, https://bit.ly/2joVfOv; Musings on Iraq, *Over 51,000 Casualties in Iraq in 2015*, 24 February 2016, https://bit.ly/1RxLAi2; Musings on Iraq, *2014 Deadliest Year in Iraq since Civil War Period*, 6 January 2015, https://bit.ly/1wRWhB8.

119 "*The International Center for Missing Persons, which has been working in partnership with the Iraqi government to help recover and identify the missing, estimates that the number of missing people in Iraq could range from 250,000 to 1 million people*"; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html. IBC estimates that since 2003, between 183,348 and 205,908 civilians have been killed in Iraq; IBC, accessed 30 April 2019, www.iraqbodycount.org/. See also, Washington Post, *15 Years after the Iraq War Began, the Death Toll Is still Murky*, 20 March 2018, https://wapo.st/2MIxLEb.

120 This is also reflected in lower yearly civilian casualties in 2017 and 2018. December 2018 recorded the lowest casualty figure since UNAMI began publishing them in November 2012. IBC accounted for over 13,100 civilian deaths in 2017 and more than 3,300 in 2018 (preliminary figures). UNAMI estimated 3,200 civilian deaths in 2017 and over 900 in 2018 (note: some months miss figures for Al-Anbar Governorate); IBC, *Database*, accessed 30 April 2019, www.iraqbodycount.org/database; UNAMI, *UN Casualty Figures for Iraq for the Month of December 2018*, 3 January 2019, https://bit.ly/2TvBRli. See also, Action for Armed Violence, *2018: A Year of Explosive Violence*, 11 January 2019, https://bit.ly/2SdP31K; Musings on Iraq, *Islamic State Went into Hibernation in Winter 2018*, 2 January 2019, https://bit.ly/2t2a54h; CSIS, *The Islamic State and the Persistent Threat of Extremism in Iraq*, November 2018, https://bit.ly/2S19CcQ, p. 4.

121 UNSC, *Implementation of Resolution 2421 (2018)*, 1 February 2019, https://bit.ly/2H5licP, para. 35; Musings on Iraq, *Islamic State Went into Hibernation in Winter 2018*, 2 January 2019, https://bit.ly/2t2a54h.

122 Musings on Iraq, *Security in Iraq Sep 15-21, 2018*, 24 September 2018, https://bit.ly/2NG5bXs; Musings on Iraq, *Violence Remained Steady in Iraq August 2018*, 3 September 2018, https:/2018///bit.ly/2CU5uZI; UNAMI, *Report on Human Rights in Iraq – July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. *vi*. Based on UNAMI statistics, Baghdad was the "*worst affected Governorate*" in all months of 2018 except April, June, October and December 2018, when Diyala, Kirkuk, Al-Anbar and Ninewa Governorates, respectively, surpassed casualty figures in Baghdad; UNAMI monthly civilian casualties, accessed 30 April 2019, available at: https://bit.ly/1jL06CY.

123 Noting that figures for Al-Anbar are not available for every month; UNAMI, *Civilian Casualties*, accessed 30 April 2019, http://bit.ly/1NpHRqT. Musings on Iraq identified the same governorates as accounting for the highest monthly casualties, however, the order varies from month to month. See Musings on Iraq, *Islamic State Went into Hibernation in Winter 2018*, 2 January 2019, https://bit.ly/2t2a54h and monthly security reports for 2018 on Musings on Iraq, http://musingsoniraq.blogspot.com/. See also, UNSC, *Implementation of Resolution 2421 (2018) – Report of the Secretary-General*, S/2018/975, 31 October 2018, https://undocs.org/S/2018/975 (hereafter: UNSC, *Implementation of Resolution 2421 (2018)*, 31 October 2018, https://undocs.org/S/2018/975), para. 43.

124 EASO, *Iraq Security Situation (Supplement) – Iraq Body Count – Civilian Deaths 2012, 2017-2018*, February 2019, www.ecoi.net/en/file/local/2004074/Iraq_IBC_Civilian_Deaths.pdf, p. 14.

Turkish airstrikes against alleged PKK positions in the KR-I, and occasionally in Ninewa, are also reported to have caused civilian casualties.[125]

D. Forced Displacement and Returns

1) Internal Displacement

The conflict between 2014 and 2017 has caused the cumulative displacement of nearly six million Iraqis – around 15 per cent of the country's population.[126] At the end of April 2019, more than 1.65 million persons primarily from Ninewa, Salah al-Din and Anbar Governorates, including 800,000 children,[127] remain displaced.[128] Most IDPs have been displaced multiple times[129] and, as of September 2018, over half of the IDP population is reported to have been living in displacement for three or more years.[130] At the time of writing, IDPs are reported to be displaced across 38 districts and 1,596 locations across Iraq, with the KR-I,[131] Ninewa, Salah al-Din, and Kirkuk Governorates hosting the largest numbers of IDPs.[132]

New displacement continues to be reported, including as a result of unsuccessful attempts to return to areas of origin, continued insecurity and attacks by ISIS, as well as reprisal acts against civilians perceived to be supporting ISIS.[133] New and secondary displacement has also been caused by environmental factors, including floods as well as water shortages and poor water quality.[134]

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125 See Section II.B.5 ("*Security in the Kurdistan Region*").

126 This compares to 2.7 million displaced individuals during the 2006-2008 conflict; International Organization for Migration (IOM), *Iraq Displacement Crises 2014-2017*, October 2018, https://bit.ly/2PAGUjy. See also OCHA, *Iraq: Timeline of Displacement and Returns (as of 31 October 2018)*, 6 November 2018, https://bit.ly/2Gd6n19.

127 UNICEF, *Humanitarian Action for Children 2019 - Iraq (Revised April 2019)*, 30 April 2019, https://bit.ly/2Y2wNXM.

128 Fifty per cent of all IDPs come from just four districts in Ninewa Governorate: Mosul, Sinjar, Tel Afar and Al-Ba'aj; IOM, *Iraq: Displacement Tracking Matrix | DTM Round 108 – February 2019*, 20 March 2019, http://bit.ly/2Jv0MF7 (hereafter: IOM, *DTM Round 108 – February 2019*, 20 March 2019, http://bit.ly/2Jv0MF7), pp. 1, 3. For updated displacement figures, see IOM, http://iraqdtm.iom.int/IDPsML.aspx.

129 "*Displacement in Iraq has been far from linear. Almost 60 per cent of internally displaced respondents had fled more than once*"; Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), Nowhere to Return to – Iraqis' Search for Durable Solutions Continues, 1 November 2018, www.refworld.org/docid/5beb01d74.html (hereafter: NRC/IDMC, *Nowhere to Return to*, 1 November 2018, www.refworld.org/docid/5beb01d74.html), p. 13.

130 OCHA, *Iraq: Humanitarian Response Plan January – December 2019*, 26 February 2019, https://bit.ly/2TyIbMb (hereafter: OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb), p. 6; IOM, *Reasons to Remain: Categorizing Protracted Displacement in Iraq*, November 2018, www.refworld.org/docid/5bf685154.html (hereafter: IOM, *Reasons to Remain*, November 2018, www.refworld.org/docid/5bf685154.html), p. 8.

131 The KR-I continues to host over 40 per cent of the overall IDP population in Iraq, with the IDPs exerting continuous pressure on already over-stretched local capacities. As of 28 February 2019, over 334,000 IDPs were hosted in Dohuk Governorate, over 212,000 in Erbil Governorate, and over 150,000 in Sulaymaniyah Governorate. While other governorates have seen a decrease in the number of IDPs, the KR-I continues to host nearly as many IDPs as in the early phases of the crisis; IOM, *DTM Round 107 – December 2018*, 31 December 2018, https://bit.ly/2UafORj, p. 7; IOM, *Reasons to Remain*, November 2018, www.refworld.org/docid/5bf685154.html, p. 7; ACTED, *Municipal Services under Pressure as IDPs Flock to Dohuk*, 10 October 2018, https://bit.ly/2PCiqo9.

132 IOM, *DTM Round 108 – February 2019*, 20 March 2019, http://bit.ly/2Jv0MF7, p. 3.

133 "*Security concerns and financial hardship continue to be the main drivers of displacement.* (…) *Many IDPs reported entering camps due to recent security incidents perpetrated by extremists, lack of livelihood and self-reliance opportunities, coupled with lack of assistance and inadequate shelter, communal disputes, and family reunification*"; UNHCR, *Iraq Protection Update – November 2018*, 30 November 2018, https://bit.ly/2FbJbiR, p. 1. See also, IOM, *DTM Round 106 – October 2018*, 31 October 2018, https://bit.ly/2GblCrG, p. 4; and UNHCR's monthly Protection Updates, available at: https://bit.ly/2zeBGms. See also Section III.A.1 ("*Civilians Suspected of Supporting ISIS*").

134 OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, p. 8; AFP, *21 Killed, Thousands Displaced in Iraq Floods in 2 Days: Health Ministry*, 26 November 2018, https://bit.ly/2GpBzL4; NRC, *Basra Fact Finding Mission Report #2*, 22 September 2018, https://bit.ly/2GgE0PU, p. 3. See also, The Independent, *Iraq Water Shortages Could Force Four Million People to Flee Their Homes*, 8 October 2018, https://ind.pn/2C3wV1f. See also Sections II.F.1 ("*Shelter*") and 6 ("*Water, Sanitation and Electricity*").

2) External Displacement

Conflict and human rights violations have forced Iraqis to flee abroad in search of safety and protection, often following internal displacement.[135] As of 30 April 2019, there were over 259,000 Iraqi refugees and asylum-seekers in Turkey, Jordan, Syria Lebanon, Egypt, and in the member states of the Cooperation Council for the Arab States of the Gulf (GCC); the majority of these Iraqis had arrived since 2014.[136] In addition, some 31,000 Iraqis are residing in Al-Hol, Roj, and Newroz camps in Al-Hassakeh Governorate in Syria, the majority of whom have not been formally registered by UNHCR.[137] Iraq remained one of the main countries of citizenship of asylum-seekers in EU member states in 2018.[138]

3) IDP Returns

Following the end of major military operations against ISIS, IDP returns started to exceed new internal displacement as of January 2018.[139] By the end of April 2019, more than 4.2 million Iraqis are reported to have returned[140] to their sub-district of origin in nearly 1,600 locations across the country, primarily to areas formerly held by ISIS in the Governorates of Ninewa, Al-Anbar, Salah Al-Din, Kirkuk and Diyala.[141] Approximately half a million returnees are considered to be living in conditions of "*high or very high severity of humanitarian need*" in several districts in the Governorates of Al-Anbar, Baghdad, Diyala, Erbil, Kirkuk, Ninewa and Salah Al-Din.[142]

a) Obstacles to Return

Despite the return of a sizable number of IDPs to areas retaken from ISIS, the pace of returns has been slowing down over the course of 2018 and into 2019[143] and most remaining IDPs report planning to stay in their current location rather than returning to their area of origin.[144] Humanitarian actors anticipate that protracted displacement will continue in 2019.[145] Obstacles to return[146] include in particular

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135 "*In the absence of safety and opportunities for durable solutions* [in Iraq]*, many repeated internal displacements eventually led to cross-border movements*"; NRC/IDMC, *Nowhere to Return to*, 1 November 2018, www.refworld.org/docid/5beb01d74.html, p. 13.

136 Turkey: 132,335; Jordan: 67,554; Syria: 34,976; Lebanon: 14,194; Egypt: 6,999; GCC: 3,354; UNHCR, 30 April 2019.

137 Only Iraqis hosted in Newroz camp (320 Iraqis) and Roj camp (319 Iraqis) have formally been registered by UNHCR; UNHCR, 30 April 2019.

138 Eurostat, *Asylum Quarterly Report – Statistics Explained*, 12 March 2019, https://bit.ly/2QvvKuY, p. 2.

139 "*Following the official declaration of the end of the ISIL conflict in December 2017, there was an increase in the number of families returning to their places of origin. However, it is important to note that return movements have taken place throughout the conflict, as areas were retaken from ISIL*"; IOM, *Reasons to Remain*, November 2018, www.refworld.org/docid/5bf685154.html, p. 3. See also, IOM, *Number of Returns Exceeds Number of Displaced Iraqis: UN Migration Agency*, January 2018, https://bit.ly/2qTTMsa.

140 IOM defines returnees as "*all those displaced since January 2014 who return to their location of origin, irrespective of whether they have returned to their former residence or to another shelter type. The definition of returnees is not related to the criteria of returning in safety and dignity, nor with a defined strategy of durable solution. The location is defined as an area that corresponds either to a sub-district (i.e. fourth official administrative division), a village for rural areas or a neighbourhood for urban areas (i.e. fifth official administrative division)*"; IOM, *DTM Round 108 – February 2019*, 20 March 2019, http://bit.ly/2Jv0MF7, p. 6. For updated return figures, see: http://iraqdtm.iom.int/ReturneeML.aspx.

141 IOM, *DTM Round 108 – February 2019*, 20 March 2019, http://bit.ly/2Jv0MF7, p. 2.

142 "*These people suffer from restrained access to livelihoods and basic services as well as challenges in social cohesion and safety*"; OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, p. 16. See also, IOM, *Iraq: Return Index Findings – Round 2 (January 2019)*, 31 January 2019, http://bit.ly/2TIW5bE.

143 "*It is broadly agreed that those 1.8 million people who have remained displaced will face more challenges to returning to their areas of origin, an understanding that is well demonstrated by the falling rate of return*"; United Nations Development Programme (UNDP), *Funding Facility for Stabilization Quarter III Report 2018*, 3 January 2019, https://bit.ly/2WAlSob, p. 9. "*Despite the overall scale of return (4 million IDPs as of September 2018), return rates appear to be levelling out: nearly half of all returns took place in 2017; just 18 per cent of IDPs have returned in 2018*"; OCHA, *Iraq: Humanitarian Bulletin, September 2018*, 15 October 2018, https://bit.ly/2C7AdiC, p. 3. See also, IOM, *Returns Continue while Obstacles to Return Remain in Iraq: IOM*, 26 June 2018, https://bit.ly/2PLIRZM.

144 UNHCR/CCCM Cluster/REACH, *Intentions Survey: IDP Areas of Origin, August 2018*, 31 August 2018, https://bit.ly/2Tigowl; NRC, *Iraqis still Languishing One Year since Announced Defeat of Islamic State Group*, 7 December 2018, https://bit.ly/2E6oovB; IOM, *Reasons to Remain*, November 2018, www.refworld.org/docid/5bf685154.html, p. 19; UNSC, *Implementation of Resolution 2421 (2018)*, 31 October 2018, https://undocs.org/S/2018/975, para. 57.

145 OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, pp. 4, 10; IOM, *Reasons to Remain*, November 2018, www.refworld.org/docid/5bf685154.html.

146 "*Many families continue to face constrained access to basic services, and security and protection risks while contending with destroyed properties and critical infrastructure, and the lack of livelihood opportunities and financial resources*"; UNHCR, *Global*

destroyed or damaged housing, unresolved housing, land and property (HLP) disputes,[147] lack of livelihoods,[148] limited access to education, health and other basic services,[149] as well as continued insecurity in areas of origin, including as a result of contamination of homes and land with ERW,[150] sporadic attacks by ISIS,[151] and the presence of government-affiliated groups.[152]

For families associated with actual or perceived ISIS members, community tensions, discrimination, fear of arrest and reprisal acts as well as the confiscation of documentation or refusal to issue new documentation are also reported to hamper returns.[153] Others are reported to be barred from returning,[154] or face secondary displacement following their return due to stigmatization and acts of retribution.[155]

Focus – Iraq Operational Environment, accessed 30 April 2019, https://bit.ly/2LXMfQa. "*While gauging IDPs' future plans related to resolving their displacement is difficult to do with any accuracy, people cite damage and destruction to housing (71 per cent); lack of job opportunities (54 per cent); and lack of safety in their locations of origin (40 per cent); as the main obstacles to return*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 10. See also, IOM, *Reasons to Remain*, November 2018, www.refworld.org/docid/5bf685154.html, p. 1.

147 "*Locations with high levels of residential destruction and/or presence of illegal house or property occupation tend to have significantly lower rates of return.*" And further: "[A]*mong IDPs assessed in Iraq, house destruction seems to be the most prevalent self-reported reason for staying displaced*"; IOM, *Reasons to Remain*, November 2018, www.refworld.org/docid/5bf685154.html, pp. 4, 19. Forty-six per cent of surveyed out-of-camp-IDPs and 33 per cent of surveyed IDPs in camps, respectively, cited shelter damage, secondary occupation, or unresolved HLP ownership issues as a top reason for not intending to return to their areas of origin; REACH, *Multi-Cluster Needs Assessment (MCNA) – In-Camp IDPs*, September 2018, https://bit.ly/2CWipsP, p. 2; REACH, *MCNA – IDPs out of Camp*, September 2018, https://bit.ly/2RzdK4b, p. 2.

148 OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, pp. 4, 10; NRC/IDMC, *Nowhere to Return to*, 1 November 2018, www.refworld.org/docid/5beb01d74.html, p. 28. See also, UNHCR's monthly *Protection Updates*, available at: https://bit.ly/2zeBGms and UNHCR's previously issued *Centre & South Bi-Weekly Protection Updates*, available at: http://bit.ly/2jwuxJ4.

149 NRC/IDMC, *Nowhere to Return to*, 1 November 2018, www.refworld.org/docid/5beb01d74.html, pp. 30-32; UNSC, *Implementation of Resolution 2421 (2018)*, 31 October 2018, https://undocs.org/S/2018/975, para. 57; OCHA, *Iraq: Humanitarian Bulletin, August 2018*, 31 August 2018, https://bit.ly/2RgXmWi, p. 2; UNHCR/WFP, *Joint Vulnerability Assessment, June 2018*, 2 August 2018, https://bit.ly/2DyL1dn, p. 37; IOM, *Returns Continue While Obstacles to Return Remain in Iraq: IOM*, 26 June 2018, https://bit.ly/2PLlRZM; Rudaw, *The Displaced and Forgotten Villagers of the Nineveh Plains*, 9 May 2018, https://bit.ly/2S6aRI4; Human Appeal, *Challenges Upon Return in West Mosul: An Assessment of the Neighbourhoods of Al-Yarmouk, Tal Al-Rumman, and Al-Mamoun*. 22 January 2018, https://bit.ly/2Aoswor. For additional examples, see also UNHCR's monthly *Protection Updates*, available at: https://bit.ly/2zeBGms and UNHCR's previously issued *Centre & South Bi-Weekly Protection Updates*, available at: http://bit.ly/2jwuxJ4.

150 "*The assessments found that the main protection risks hindering returns included security threats such as explosive hazards, land mines, sporadic clashes and poor infrastructure*"; REACH, *Iraq: Majority of IDPs Living Out of Displacement Camps Have no Intention of Returning Home – Findings from Dahuk, Erbil, Ninewa, Salah al-Din and Sulaymaniyah*, 29 August 2018, https://bit.ly/2DSnfIB. See also, VOA, *UN: Clearing Iraq's Mosul from Explosives to Take Decades*, 7 February 2019. https://bit.ly/2tcsziQ; Zenith, *Iraq's Livestock on the Deathbed*, 21 December 2018, https://goo.gl/aZyVBA; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, pp. 4, 29, 30. See also "*Landmine and ERW Contamination Areas*" map, available at: iMMAP-IHF, *Humanitarian Access Response – Monthly Security Incidents Situation Report (January 2019)*, 31 January 2019, https://bit.ly/2HYiS1C, p. 6.

151 "*Asymmetric attacks by armed groups continue to be carried out along with small scale military operations, resulting in new displacement and impacting the IDP return rate*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 4. "*Beyond the risk of lingering impact from the previous military offensives, threats to people's lives from ongoing ISIS attacks and sporadic clashes continue*"; NRC/Danish Refugee Council/International Rescue Committee, *The Long Road Home – Achieving Durable Solutions to Displacement in Iraq: Lessons from Returns in Anbar*, 27 February 2018, https://bit.ly/2D3uFZc (hereafter: NRC/DRC/IRC, *The Long Road Home*, 27 February 2018, https://bit.ly/2D3uFZc), p. 14. See also, NRC/IDMC, *Nowhere to Return to*, 1 November 2018, www.refworld.org/docid/5beb01d74.html, p. 26; UNHCR's monthly Protection Updates, available at: https://bit.ly/2zeBGms and UNHCR's previously issued Centre & South Bi-Weekly Protection Updates, available at: http://bit.ly/2jwuxJ4.

152 Musings on Iraq, *Christian-Shabak Tension in Iraq's Ninewa Plains*, 27 February 2019, https://bit.ly/2VwbRKU; GPPi, *At the Tip of the Spear: Armed Groups' Impact on Displacement and Return in Post-ISIL Iraq*, 18 February 2019, https://bit.ly/2IXYtZs; UNHCR, *Iraq Protection Update – January 2019*, 31 January 2019, https://bit.ly/2L1EYld, p. 1.

153 UNHCR, *Iraq Protection Update – October 2018*, 31 October 2018, https://bit.ly/2EsI91v, p. 2. See Section III.A.1.b ("*Families Associated with Real or Perceived ISIS Members*").

154 See below "*Barred Returns*".

155 "*In the last three months a third of the displaced people who returned home from just one camp in Anbar were rejected by their local communities and had to relocate again elsewhere*"; NRC, *Iraqis still Languishing One Year since Announced Defeat of Islamic State Group*, 7 December 2018, https://bit.ly/2E6oovB. "*The security and protection environment remain volatile, posing serious protection risks to Iraqi civilians. Abductions, disappearances, detention, increased risks of sexual- and gender-based violence and violations of child rights continue. For many, a combination of these factors has led to secondary or repeated*

The return of members of ethno-religious minorities, including Turkmen, Yazidis, Christians, Shi'ites and Shabak, is reported to have been slow and many remain displaced.[156] Most IDPs who fled Sinjar, in particular members of the Yazidi community, have not attempted to return, including due to the widespread destruction of homes and infrastructure, the lack of livelihoods and basic services, persisting community tensions as well as continued insecurity.[157]

b) Forced and Premature Returns

In spite of continued obstacles to sustainable return and reintegration, authorities and security actors in Al-Anbar, Baghdad, Kirkuk, Diyala and Salah Al-Din Governorates encourage, pressure, and at times coerce, IDPs to return to their areas of origin, often resulting in secondary displacement.[158] As of

displacement"; UNAMI, *Special Representative of the United Nations Secretary-General for Iraq – Briefing to the Security Council by SRSG Ján Kubiš*, 8 August 2018, https://bit.ly/2zWY7gi, p. 5. "*Due to mistreatment* (…), *many families with perceived IS affiliation have 'boomeranged' back into IDP camps after attempting to leave*"; Amnesty International, *The Condemned – Women and Children Isolated, Trapped and Exploited in Iraq*, April 2018, www.refworld.org/docid/5ad84a274.html (hereafter: Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html), p. 37. "*An estimated one in five of people evicted from Kilo 18 camp in Anbar in December returned to the camp after facing retribution and threats in their areas of origin, indicating the potential caseload of people unable to permanently return. Mosul camp returnee monitoring data provides corroborating evidence, with recent data showing 10% of attempted returnees ending up back in camps and 25% of the remainder in secondary displacement*"; NRC/DRC/IRC, *The Long Road Home*, 27 February 2018, https://bit.ly/2D3uFZc, p. 5. See also Section III.A.1.b ("*Families Associated with (Perceived) ISIS Members*").

156 "*Refugees from religious minorities are the least likely to return*"; NRC/IDMC, *Nowhere to Return to*, 1 November 2018, www.refworld.org/docid/5beb01d74.html, p. 31. "*For over 20,000 IDP families belonging to these ethnoreligious groups, 'fear due to a change in ethno-religious composition of the place of origin' was cited among the top three obstacles to return*"; IOM, *Iraq Displacement Crises 2014-2017*, 8 November 2018, https://bit.ly/2PCDifb, pp. 31, 51. See also, Rudaw, *Shingal's Shiites Are Haunted by Memories of Loved Ones Seized by ISIS*, 6 April 2019, https://bit.ly/2vjwdZn; Musings on Iraq, *Christian-Shabak Tension in Iraq's Ninewa Plains*, 27 February 2019, https://bit.ly/2VwbRKU; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html; Al-Monitor, *Christmas Without Christians in IS-Liberated Mosul*, 24 December 2018, http://almon.co/35fh; The Arab Weekly, *Iraqi Christian Families not Returning to Nineveh, more Interested in Migration*, 9 September 2018, https://shar.es/aaRhWQ; The National, *Jordan's Mandaean Minority Fear Returning to Post-ISIS Iraq*, 9 June 2018, https://bit.ly/2LCVTpO; War on the Rocks, *The Long Road Back for Iraq's Minorities*, 12 March 2018, https://bit.ly/2p8GuDY.

157 "*In just the Christian communities on the Nineveh plains, which surround Mosul, around 14,000 homes and 363 churches were damaged or destroyed, according to Christian NGO ACN International*"; Sky News, *How Is the Reconstruction of Iraq Going*?, 31 January 2019, https://bit.ly/2Tpef1I. "*The destruction in Sinjar is almost complete with almost all essential infrastructure having incurred some sort of damage. The buildings that remain are contaminated with sophisticated booby traps and IEDs. For these reasons, only approximately 12% of the pre-ISIL population has returned, the majority of whom are Yazidi*"; UNDP, *Funding Facility for Stabilization Quarter III Report 2018*, 3 January 2019, https://bit.ly/2WAlSob, p. 42. "*Three years since Sinjar was retaken from Islamic State group, more than 200,000 people, mostly Yazidis, remain displaced in northern Iraq and abroad, with no homes to return to*"; NRC, *Sinjar: Three Years on, Yazidis Have Nowhere to Return*, 8 November 2018, https://bit.ly/2FbnIam. "*Key challenges for post-conflict stabilisation in Sinjar's towns and villages persist in rebuilding communities (and the idea of community); providing security and basic services; addressing public grievances; seeking accountability and justice; fostering local reconciliation; and helping people return home, to live in peace, dignity, and safety with their neighbours (as well as with their emotional and physical scars)*"; European Council on Foreign Relations (ECFR), *When the Weapons Fall Silent: Reconciliation in Sinjar after ISIS*, 31 October 2018, https://bit.ly/2P3B2x7 (hereafter: ECFR, *Reconciliation in Sinjar after ISIS*, 31 October 2018, https://bit.ly/2P3B2x7), p. 3. See also, Reuters, *Anger and Apprehension Haunt Ruined Sinjar, Years after Islamic State Ousted*, 26 February 2019, https://reut.rs/2Ezd7nv; Amnesty International, *Dead Land: Islamic State's Deliberate Destruction of Iraq's Farmland*, 12 December 2018, https://bit.ly/2QEknG3; The Observer, *'Only Bones Remain': Shattered Yazidis Fear Returning Home*, 9 September 2018, https://bit.ly/2QsIB1e; REACH, *Rapid Overview of Areas of Return (ROAR): Sinjar and Surrounding Areas Ninewa Governorate, Iraq – May 2018*, 31 May 2018, https://bit.ly/2G5dnvw, p. 3.

158 OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 31. Reported means of pressure employed include, *inter alia*, camp closures, notifications with deadlines to leave, harassment, forcible evictions from camps, informal settlements and urban areas, confiscation of identification documents, and arrests for lack of legal documentation or under the Anti-Terrorism Law, and in some cases, forced returns to areas of origin; NRC/DRC/IRC, *The Long Road Home*, 27 February 2018, https://bit.ly/2D3uFZc, pp. 5, 19-20. See also, NRC, *Iraqis Forced to Return to Destruction Left in Wake of War on ISIS*, 28 February 2018, https://bit.ly/2t1Ehj1; Reuters, *Iraq Returning Displaced Civilians from Camps to Unsafe Areas*, 7 January 2018, https://reut.rs/2D7pX9Z; The National, *Displaced Iraqis Forcibly Returned Home, Where ISIL Booby-Traps Abound,* 7 January 2018, https://bit.ly/2DLV8en. For specific examples, see also UNHCR's monthly *Protection Updates*, available at: https://bit.ly/2zeBGms and UNHCR's previously issued *Centre & South Bi-Weekly Protection Updates*, available at: http://bit.ly/2jwuxJ4. According to reports, government employees are reported to have been instructed to return to their areas of origin to resume their employment. See UNHCR, *Iraq Protection Update – December 2018*, 31 December 2018, https://bit.ly/2C9D9vI, p. 2; UNHCR, *Iraq Protection Update – October 2018*, 31 October 2018, https://bit.ly/2EsI91v, p. 2; Rudaw, *Iraqi Teachers Condemn Baghdad Decision to Shut Down IDP Schools*, 23 July 2018, https://bit.ly/2Rdh9oR.

October 2018, a total of 32 IDP camps have been closed by the Iraqi authorities, resulting in the eviction and return or renewed displacement of tens of thousands of individuals.[159] Additional camp closures have since been reported in Al-Anbar and Kirkuk Governorates.[160] Other IDPs are reported to return due to the precarious humanitarian conditions in areas of displacement.[161] Severe movement restrictions in IDP camps are reported to incentivize IDPs' decisions to return to their areas of origin.[162] IDPs living outside of camps are at risk of eviction by owners who reclaim their properties, which may similarly result in pressure to return.[163]

Forced and premature returns are reported to frequently result in secondary displacement,[164] evident also by ongoing readmissions to IDP camps.[165]

c) Barred Returns

Returnees must undergo security screening and obtain approval from various actors in displacement and return areas, including military and security actors, local authorities and tribes.[166] Approval to return has reportedly been denied by state and non-state actors on the basis of discriminatory criteria,

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159 United Nations Children's Fund (UNICEF), *Iraq Humanitarian Situation Report September 2018,* 25 October 2018, https://uni.cf/2qOR58w, p. 2. "*Efforts by the GoI* [Government of Iraq] *to close IDP sites and evict camp residents persist, raising concerns among humanitarian actors regarding unsafe returns and secondary displacement among households unable to return to areas of origin. Between October 2017 and August 2018, GoI authorities evicted more than 6,300 households – approximately 37,800 people – from formal IDP camps and informal settlements in Anbar, Baghdad, and Salah al-Din*"; USAID, *Iraq – Complex Emergency (Fact Sheet #10, Fiscal Year (FY) 2018)*, 30 September 2018, https://bit.ly/2S8s7MV, p. 2. See also, UNHCR, *Iraq Protection Update – November 2018*, 30 November 2018, https://bit.ly/2FbJbiR, p. 1; Al Jazeera, *Iraqi Security: Camps for Displaced Are Being Closed*, 18 October 2018, https://bit.ly/2Sdge9b.

160 On 3 December 2018, government authorities closed Kilo 18 camp (Al-Anbar Governorate), resulting in the premature return of the majority of the camp's inhabitants, while others were relocated to another camp in the same governorate. Additional relocations were reported in early December 2018 from Bzebiz Camp (Al-Anbar Governorate) in view of the camp's partial closure. In late December 2018, IDPs from informal settlements in Al-Anbar were relocated to formal camps in the same governorate; UNHCR, *Iraq Protection Update – December 2018*, 31 December 2018, https://bit.ly/2C9D9vl, p. 2. See also, Kurdistan 24, *Iraq Closes IDP Camp in Kirkuk, after Sending Hundreds back to Hawija*, 10 February 2019, https://bit.ly/2tS6er2.

161 "*Poor conditions in areas of displacement can also act as a negative push factors prompting people to leave areas of displacement prematurely. Included among these are: • Insecurity, and lack of safety and protection. • Limited freedom of movement and inability to reunify with family members. • Gaps in services, creating a lack of dignity in camps*"; NRC/DRC/IRC, *The Long Road Home*, 27 February 2018, https://bit.ly/2D3uFZc, p. 18. See also, NRC/IDMC, *Nowhere to Return to*, 1 November 2018, www.refworld.org/docid/5beb01d74.html, p. 32.

162 NRC/IDMC, *Nowhere to Return to*, 1 November 2018, www.refworld.org/docid/5beb01d74.html, p. 32; UNHCR, *Iraq Protection Update – October 2018*, 31 October 2018, https://bit.ly/2EsI91v, pp. 1-2.

163 *"IDPs residing outside of camps – particularly those in informal settlements – remain at risk of forced evictions, as owners seek to restore possession of their properties* (…)"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 30. See also pp. 31-32 of the same report.

164 "*Forced and premature returns continue to be reported in Salah al-Din, Baghdad, Anbar, Kirkuk, Diyala and Ninewa governorates, including through coercive practices, often resulting in secondary displacement*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 31. "*The armed group* [ISIS] *is re-gaining footholds and, in some instances, displacing villagers who'd recently returned home*"; Amnesty International, *Dead Land: Islamic State's Deliberate Destruction of Iraq's Farmland*, 12 December 2018, www.ecoi.net/en/file/local/1454298/1226_1544695409_mde1495102018english.PDF, p. 10. "*Few returning refugees and IDPs have been able to achieve durable solutions. Some have gone back to their homes or areas of origin, but have not been able to re-establish their lives and livelihoods. Others continue to have significant assistance and protection needs. Despite having returned, they live in de facto internal displacement. Unlike those still recognised as IDPs, however, they receive little support*"; NRC/IDMC, *Nowhere to Return to*, 1 November 2018, www.refworld.org/docid/5beb01d74.html, p. 28. See also pp. 8, 22, and 32 of the same report.

165 Between July 2018 and March 2019, over 7,800 IDP families were secondarily displaced and were admitted to camps in Ninewa Governorate. In the same period, 22,500 families left the camps; UNHCR information, April 2019. See also, UNHCR, *Iraq Protection Update – January 2019*, 31 January 2019, https://bit.ly/2L1EYld, p. 1; Rudaw, *Some Christian Returnees again Leave Homes for IDP Camps*, 13 February 2019, https://bit.ly/2EHIE5d; Kurdistan 24, *Lack of Security, Stability in Mosul Prompts IDPs to Return to Kurdistan Region Camps*, 4 February 2019, https://bit.ly/2WFd8xf; Rudaw, *IDPs again Leave Their Homes, Preferring Security of Refugee Camps*, 6 August 2018, https://bit.ly/2PO5IYD; Al Jazeera, *'Our Life is Hell': Iraq's IDPs Suffer Interminable Wait for Home*, 29 July 2018, http://aje.io/7lmnc; Deutsche Welle (DW), *Poverty and Lack of Services in Iraq Force Refugees Back to the Camps*, 29 April 2018, https://bit.ly/2BPrqF7.

166 UNHCR, *Iraq Protection Update – December 2018*, 31 December 2018, https://bit.ly/2C9D9vl, p. 2; The New Humanitarian, *In Iraq, Families Linked to So-Called Islamic State Suffer for Their Relatives' Sins*, August 2018, https://bit.ly/2Lo6JBb; HRW, *Iraq: Displaced Families Blocked from Returning*, 24 June 2018, www.refworld.org/docid/5b87de304.html.

including IDPs' ethnic/religious profile[167] and/or their association with actual or perceived ISIS members.[168] Such bans on returns leave a significant number of IDPs involuntary stuck in displacement.[169] Even those who obtain a return clearance are not necessarily able to return to their home areas in practice, as security actors may still block their return, e.g. at checkpoints along the return route or in the area of origin.[170]

4) Returns from Abroad

In 2018, over 5,600 Iraqis returned through the Assisted Voluntary Return and Reintegration (AVRR) Programme operated by the International Organization for Migration (IOM), mostly from Europe.[171] Others are reported to have returned under Iraqi government-sponsored return programmes or by their own means.[172] Reasons cited by Iraqi nationals for returning include, *inter alia*, homesickness and a wish to reunite with family members in Iraq; difficult conditions in host countries; and delays in asylum procedures and corresponding delays in obtaining a secure legal status, access to services, and access to family reunification.[173]

E. Human Rights Situation

Despite the Iraqi Government's stated commitment to upholding its national and international human rights obligations, and relative improvements in the security situation,[174] "*the environment for the protection of human rights in the country remained fragile.*"[175] This chapter focuses on human rights violations by various state and non-state actors, including in particular the right to life, the right to freedom from ill-treatment and torture, right to liberty and freedom of movement, as well as the rule of law and administration of justice in Iraq.

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167 See Section II.E.1.b ("*Human Rights Violations by the Kurdish Authorities*").

168 "*Despite joint government and humanitarian efforts to facilitate the return of displaced persons to areas once held by ISIS, local decrees and other preventative measures prevented families with perceived ISIS affiliation from returning home to some areas, including in Anbar, Diyala, Nineveh, and Salah al-Din*"; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html. "*Return movements of families with perceived affiliation to extremists are heavily restricted*"; UNHCR, *Iraq Protection Update – November 2018*, 30 November 2018, https://bit.ly/2FbJbiR, p. 2. "*This association* [with a perceived ISIS member] *means she and her extended family are unable to receive the security clearance all displaced Iraqis need to return to their villages, towns, or cities*"; The New Humanitarian, *In Iraq, Families Linked to So-Called Islamic State Suffer for Their Relatives' Sins*, August 2018, https://bit.ly/2Lo6JBb. For example, at the time of writing, those displaced from the town of Jurf Al-Sakhr (Babel Governorate) following the retaking of the area from ISIS by forces affiliated with the PMF in 2014, have not been permitted to return; Diyaruna, *Iran-Backed Iraqi Militias Block Access to Liberated Areas*, 14 December 2018, https://bit.ly/2rHbM6z; Musings on Iraq, ***Permanently Displaced in Iraq's Babil Province***, 6 December 2018, https://bit.ly/2GHLlX8; Al Jazeera, *Displaced Sunni Iraqis Claim Shia Militia Blocking Their Return*, 4 September 2017, http://bit.ly/2f8cXpI. See also, Section III.A.1.b ("*Families Associated with Real or Perceived ISIS Members*").

169 Approximately 14 per cent of IDPs are estimated to involuntarily remain in displacement as they are not allowed to return; IOM, *Reasons to Remain*, November 2018, www.refworld.org/docid/5bf685154.html, p. 16.

170 "*If cleared to return by security actors in the camp, many internally displaced people face numerous rounds of screening by different elements at checkpoints along their journey home. These screenings result in long delays, document confiscation, family separation, and arbitrary detention.* (…) *When a family makes it through the multiple checkpoints, they may not make it over the last hurdle: entrance into the area of origin*"; NRC/DRC/IRC, *The Long Road Home*, 27 February 2018, https://bit.ly/2D3uFZc, p. 21. See also, HRW, *Iraq: Displaced Families Blocked from Returning*, 24 June 2018, www.refworld.org/docid/5b87de304.html.

171 IOM, *Assisted Voluntary Return and Reintegration (AVRR) – AVRR Bulletin 2018 4th Quarter*, 2019, http://bit.ly/2T4IoCA, p. 3. In 2017 and 2016, over 7,000 and 12,700 Iraqis, respectively, returned through the AVRR; IOM, *Assisted Voluntary Return and Reintegration – 2017 Key Highlights*, 10 July 2018, https://bit.ly/2Ju22mP, p. 24.

172 Since late 2017, thousands of Iraqis are reported to have returned from Syria and Turkey in movements facilitated by the Iraqi authorities. Difficult humanitarian conditions as well as stringent movement restrictions in camps in Syria are reported to be among the reasons for their return to Iraq. On return to Iraq, some returnees ended up in a situation of continued displacement, including in IDP camps; see UNHCR Protection Updates for the months of August to November 2018 and January 2019, available at: https://bit.ly/2zeBGms. See also, VOA, *Iraqi Refugees in Syria Refuse to Return Home*, 1 November 2018, https://bit.ly/2Qc8KBX; Anadolu Agency, *27,000 Refugees Return to Iraq from Syria, Turkey*, 21 March 2018, https://bit.ly/2QoykId.

173 NRC/IDMC, *Nowhere to Return to*, 1 November 2018, www.refworld.org/docid/5beb01d74.html, pp. 22-24, 32.

174 See Section II.B ("*Security Situation*").

175 UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 1.

Other serious and widespread human rights violations, such as sexual and gender-based violence (SGBV), 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) Human Rights Violations by Iraqi Authorities and Affiliated Forces

In the context of military operations against ISIS between 2014 and 2017, ISF and affiliated forces[176] are reported to have engaged in arbitrary arrest and detention, abduction, enforced disappearance, torture and other forms of ill-treatment, as well as extra-judicial killing of mostly Sunni Arab men and fighting-age boys, whom they perceived to be affiliated with ISIS,[177] including on the basis of broad and discriminatory criteria.[178] Other reported violations and abuses included forced evictions, looting, deliberate burning and destruction of homes, and, in some cases, the deliberate destruction of whole villages, as well as blocking the return of Sunni Arab inhabitants.[179]

Since the end of major military operations, arbitrary arrests of mainly men and boys of fighting age are reported to continue,[180] mostly under the Anti-Terrorism Law of 2005.[181] It has been reported that

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176 A range of actors have been implicated in violations and abuses, including, *inter alia*, elements of the PMF (e.g. Hezbollah Brigades, Badr Organization, Asa'ib Ahl Al-Haqq, Saraya Al-Salam), the ISF, the Emergency Response Division, the NSS, the Ministry of Interior's Intelligence and Counter Terrorism Office, and the Federal Police; HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf; HRW, *Iraq: Intelligence Agency Admits Holding Hundreds Despite Previous Denials*, 22 July 2018, www.ecoi.net/en/document/1438864.html; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, pp. 6-7; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, paras 30-32; HRW, *Iraq: Investigate Abuses in Hawija Operation*, 28 September 2017, www.refworld.org/docid/59ccc9f64.html; Expressen, *Exclusive Footage Reveals Brutal War Crimes in Battle Against ISIS*, 28 June 2017, https://bit.ly/2F8dozU; HRW, *Iraq: Dozens Found Handcuffed, Executed in, Around Mosul*, 4 June 2017, www.refworld.org/docid/5937f78b4.html; Amnesty International, *Iraq: Turning a Blind Eye: The Arming of the Popular Mobilization Units*, 5 January 2017, www.refworld.org/docid/586e061e4.html.

177 "(…) *the Special Rapporteur received information on a number of violations of international humanitarian and human rights law committed by ISF and affiliated forces between 2014 and 2017 up to the end of the battle for Mosul. These mostly concerned reported acts of revenge in the form of interceptions, enforced disappearances and killings of civilians of the Sunni faith, including internally displaced persons (IDPs), detainees and children, as well as executions of suspected ISIL fighters hors de combat*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 30. See also, HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, pp. 16-18; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, pp. 6-7; Amnesty International, *643 Iraqi Men Disappeared Two Years Ago: Where Are They?*, updated 11 June 2018, https://bit.ly/2LtllOp; HRW, *Iraq: Officials Dispose of Potential War Crime Evidence*, 20 April 2018, www.ecoi.net/en/document/1430724.html; The Guardian, *After the Liberation of Mosul, an Orgy of Killing*, 21 November 2017, https://bit.ly/2z5EP67; HRW, *Iraq: Investigate Abuses in Hawija Operation*, 28 September 2017, www.refworld.org/docid/59ccc9f64.html; The Guardian, *Stream of Floating Bodies near Mosul Raises Fears of Reprisals by Iraqi Militias*, 15 July 2017, https://bit.ly/2tVTTmM.

178 See Section III.A.1.a ("*Civilians Perceived to Be Supporting ISIS*").

179 GPPi, *Iraq After ISIL: Sub-State Actors, Local Forces, and the Micro-Politics of Control*, March 2018, https://bit.ly/2EMLqtt, pp. 7, 10, 15, 21-22, 26, 29, 43-47, 53-54, 56-57; HRW, *Flawed Justice – Accountability for ISIS Crimes in Iraq*, 4 December 2017, www.refworld.org/docid/5a2651964.html (hereafter: HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html), pp. 18-19; HRW, *Iraq: Looting, Destruction by Forces Fighting ISIS*, 16 February 2017, www.refworld.org/docid/58a5b4344.html.

180 See Section III.A.1.a ("*Civilians Perceived to Be Supporting ISIS*").

181 *Iraq: Anti-Terrorism Law (Law No. 13 of 2005)*, 7 November 2005, www.refworld.org/docid/5bd093414.html. The UN and others have expressed concern about the anti-terrorism law's vague and overly broad definition of terrorism; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 47. See also, Human Rights Council, *Question of the Death Penalty – Report of the Secretary-General*, A/HRC/39/19, 14 September 2018, https://bit.ly/2Tv1IKg, para. 22; American Bar Association, *Compliance of Iraq's Anti-Terrorism Law (2005) with International Human Rights Standards*, 28 February 2018, www.ecoi.net/en/document/1177250.html. In some terrorism cases, the 1971 Criminal Procedure Code and the 1969 Penal Code are reportedly also applied; United Nations University – Centre for Policy Research, *The Limits of Punishment – Transitional Justice and Violent Extremism*, May 2018, https://bit.ly/2zI6nQC (hereafter: UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC), p. 18.

thousands of suspected ISIS fighters and affiliates, including women and children,[182] have been arrested, often in an arbitrary manner, and detained by the ISF and affiliated forces on suspicion of support for ISIS.[183] Others who have been arrested or abducted are reported to remain missing.[184] Various security agencies are reported to be involved in arrests and detentions, including government-affiliated forces and the National Security Service (NSS), which lack a clear mandate to arrest and detain suspects.[185] Persons of other profiles, including in particular journalists and media professionals, civil society activists and others perceived to be critical of the government are also at times subjected to arbitrary arrest and detention, including under the 2005 Anti-Terrorism Law.[186]

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182 Under Iraq's 1983 Juvenile Welfare Act, the minimum age of criminal responsibility is nine; Juvenile Welfare Act (Law No. 76 of 1983), available in English at: https://bit.ly/2O4gE05, Article 47(1). According to HRW, Iraqi and KRG authorities have arrested thousands of children since re-taking control of territory formerly held by ISIS. At the end of 2018, it was estimated that 1,500 children remained in detention for alleged ISIS affiliation while hundreds more, including at least 185 foreign children, have been convicted on terrorism charges and sentenced to prison terms; HRW, *"Everyone Must Confess" – Abuses Against Children Suspected of ISIS Affiliation in Iraq*, 6 March 2019, http://bit.ly/2JdtlqI (hereafter: HRW, *"Everyone Must Confess"*, 6 March 2019, http://bit.ly/2JdtlqI). See also, UNSC, *Report of the Secretary-General on Children and Armed Conflict*, 16 May 2018, A/72/865–S/2018/465, https://undocs.org/A/72/865, paras 67, 86. See also, UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, pp. 8-9; US Department of Labor, *2017 Findings on the Worst Forms of Child Labor – Iraq*, 20 September 2018, www.refworld.org/docid/5bd05ace2.html, p. 6; HRW, *Flawed Justice*, 5 December 2017, www.refworld.org/docid/5a2651964.html, pp. 1, 23-24, 43.

183 According to AP, at least 19,000 people have been detained or imprisoned in connection with their suspected ISIS affiliation or other terror-related offenses; AP, *Iraq Holding more than 19,000 Because of IS, Militant Ties*, 22 March 2018, https://bit.ly/2ypn4QQ. "(…) *in Mosul alone, 4,383 alleged ISIL members were detained, 2,019 detainees had been sent to Baghdad and 1,004 released. 413 investigations had been completed and sent to the courts*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 46. "*A harsh and overbroad legal framework governing terrorism-related offenses in Iraq has enabled the mass incarceration of tens of thousands of individuals (both pre- and post-trial) whose connection to IS is often tenuous.* (…) *A counter-terrorism advisor to the Iraqi Government estimated in December 2017 that the number of detainees accused of association with ISIS may reach 36,000*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, pp. 17, 22. Many arrests are reported to occur on the basis of questionable evidence such as statements from secret informants or inclusion on "*wanted lists*" administered by different security actors; see Section III.A.1 ("*Persons Wrongly Suspected of Supporting ISIS*").

184 "*Most of the disappearances in the last few years follow the same pattern. People are usually detained after raids on their houses or at checkpoints by the security forces. Then victims are detained in secret places with no trial or charge and their families are denied information about their fate and whereabouts*"; Alkarama, *Universal Periodic Review Iraq – Submission to the Stakeholders' Summary*, 28 March 2018, https://bit.ly/2IHhpMH, para. 21. "*UNAMI/OHCHR continued to request information from the Government of Iraq concerning the status of arrested/abducted or forcibly disappeared persons and the results of any investgations* [sic] *into their whereabouts. With respect to mass arrests/abductions from Sinjar, Ninewa Governorate and Saqlawia, Anbar Governorate that have previously been reported by UNAMI/OHCHR, no public information was disclosed by the Government of Iraq during the reporting period*"; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 9. See also, Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr, p. 4; Amnesty International, *643 Iraqi Men Disappeared Two Years Ago: Where Are They?*, updated 11 June 2018, https://bit.ly/2LtllOp.

185 "*Despite requests, the government of Iraq failed to release information on which security and military structures have a legal mandate to detain and in which facilities*"; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html. "(…) *leaders of the Popular Mobilization Forces (PMF) and National Security Service (NSS) told Human Rights Watch researchers on several occasions that they do not have the authorization to do so* [arrest and detain suspects]"; HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf, p. 21. See also, HRW, *Iraq: Intelligence Agency Admits Holding Hundreds Despite Previous Denials*, 22 July 2018, www.ecoi.net/en/document/1438864.html; GPPi, *Iraq After ISIL: Sub-State Actors, Local Forces, and the Micro-Politics of Control*, March 2018, https://bit.ly/2EMLqtt, p. 31. In some cases, even after an investigative judge has cleared detainees for release, the NSS has reportedly continued to detain them; HRW, *Iraq: Key Courts Improve ISIS Trial Procedures*, 13 March 2019, http://bit.ly/2ObvkuB; HRW, *Iraq: Hundreds Detained in Degrading Conditions*, 13 March 2017, www.refworld.org/docid/58c7ef964.html. According to one NSS officer, who spoke on the condition of anonymity, "*officers know some prisoners are innocent*"; HRW, *Iraq: Intelligence Agency Admits Holding Hundreds Despite Previous Denials*, 22 July 2018, www.ecoi.net/en/document/1438864.html.

186 "*The Iraqi Anti-Terrorism Law of 2005, with its vague provisions, has constituted the basis of arbitrarily arresting and detaining thousands of individuals, including peaceful opponents and human rights defenders*"; Alkarama, *Iraq: Alkarama Denounces Serious Human Rights Violations to the Human Rights Council ahead of November 2019 Universal Periodic Review*, 24 April 2019, https://bit.ly/2IZkdEf. See also Sections III.A.3 ("*Persons Opposing, or Perceived to Be Opposing, the Government or those Affiliated with the Government*") and III.A.6 ("*Journalists and other Media Professionals*").

Reports indicate that detainees are often held in prolonged pre-trial detention in official and unofficial detention centres,[187] without timely review of their arrest and detention status by a competent judge.[188] Observers report that ISIS suspects and other detainees, including children, regularly remain without access to a lawyer, medical care and their families are often not informed about their whereabouts.[189] Human rights organizations have qualified these detentions as "enforced disappearance".[190] If and when families are informed, they have reportedly been asked by officials to pay exorbitant sums to secure visits, better treatment, or the release of their detained family members even after they were found innocent.[191]

187 Observers have reportedly been unable to obtain a list of official detention facilities, and reported that according to Iraqi judges and Ministry employees the centres run by the Ministries of Interior and Justice are the only official detention centres; HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf, pp. 5, 55-61. The number and location of NSS detention centres and the number of persons detained by the NSS are unknown. In one case, the NSS was reported to have detained over 400 individuals in east Mosul in a makeshift detention facility, without a clear legal basis. The head of NSS in Mosul reportedly stated that while they would like to transfer detainees to other authorities, there is no available room in other facilities; HRW, *Iraq: Intelligence Agency Admits Holding Hundreds Despite Previous Denials*, 22 July 2018, www.ecoi.net/en/document/1438864.html.

188 "*Authorities systematically violated the due process rights of ISIS suspects and other detainees, such as guarantees in Iraqi law for detainees to see a judge within 24 hours, to have access to a lawyer throughout interrogations, and to have families notified of their detention and to able to communicate with them*"; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html. "*Researchers observed that thousands of prisoners facing terror charges are held for months before they see a judge* (…)"; HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf, p. 23. "(…) *the Criminal Procedure Code appears to be set aside for those charged under the Anti-Terrorism Law, which means that defendants are denied their fair trial rights and due process guarantees. This includes the right to be informed upon arrest of the reasons therefor and the charges brought, access to legal representation from the moment of arrest, the right to have arrest and detention status reviewed by an independent and competent judge in a timely manner, and the prohibition of torture to extract a confession*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 47. "*While the counterterrorism law does not suspend any aspects of the criminal procedure code, authorities handling cases are unable or unwilling to uphold procedural rules requiring that a suspect be detained only after a court-issued arrest warrant, see a judge within 24 hours of their detention, and have a lawyer present throughout the investigative process*"; HRW, *Flawed Justice*, 5 December 2017, www.refworld.org/docid/5a2651964.html, p. 21.

189 "[HRW] *research suggests that in practice ISIS suspects do not have lawyers present during interrogations, nor are authorities allowing them to communicate with their relatives until the investigative period ends*"; HRW, *Flawed Justice*, 5 December 2017, www.refworld.org/docid/5a2651964.html, p. 41. See also, HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf, pp. 1, 23, 55.

190 "*The scale of enforced disappearances in the context of the conflict involving IS in Iraq has been massive, and, to date, almost entirely unacknowledged by the Iraqi government or the international community. Thousands of men and boys have been forcibly disappeared by Iraqi and Kurdish forces since 2014*"; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, p. 16. See also, HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf; Alkarama, Iraq: *Two Cases of Enforced Disappearances by Hezbollah Brigades Submitted to United Nations*, 26 September 2018, https://bit.ly/2E4h2Jc. See also Section III.A.1.a ("*Civilians Perceived to Be Supporting ISIS*").

191 "*After the liberation of the city [of Mosul], many IS members were captured and released after paying bribes to the security forces, while other suspects who are likely innocent stayed in jail because they could not buy their freedom*"; Jamestown Foundation, *Conditions in Mosul Ripen for Return of Islamic State*, Terrorism Monitor Vol. 17(1), 11 January 2019, https://bit.ly/2D7xsj0. See also, HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf, pp. 5, 63-64; HRW, *Iraq: Judges Disregard Torture Allegations*, 31 July 2018, www.ecoi.net/en/document/1439885.html.

Detainees are reportedly held in poor, overcrowded and in some cases inhumane conditions, with limited access to food, water and medical care.[192] Children are reported to be held together with adults or in often overcrowded juvenile facilities with limited options for rehabilitation and reintegration.[193]

The use of torture and other forms of ill-treatment,[194] including against children,[195] mostly used to elicit confessions such as admitting to membership of ISIS, has been described as "*rampant*", particularly in pre-trial detention in official and unofficial facilities.[196] Deaths in detention as a result of torture and lack of medical care have been reported.[197]

The multitude of judicial authorities and security actors and the lack of coordination among them is reported to lead in some cases to the re-arrest of persons previously cleared of charges or who had

192 "*Authorities detained ISIS suspects in overcrowded, and in some cases inhumane, conditions*"; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html. Following visits by UNAMI to places of detention administered by the Ministry of Justice, it reported that "[P]*hysical conditions in many detention facilities and prisons remain poor. Overcrowding has strained already poorly maintained or out-dated infrastructure, including water, sewerage, ventilation, and other services*"; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 8. "*Men and boys also face horrific and inhuman conditions in detention, with limited access to food, water and medical care as well as severe overcrowding and lack of access to showers or toilets*"; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, p. 18. See also, AP, *Iraq Holding More Than 19,000 Because of IS, Militant Ties*, 22 October 2018, https://bit.ly/2ypn4QQ; HRW, *Iraq: Intelligence Agency Admits Holding Hundreds Despite Previous Denials*, 22 July 2018, www.ecoi.net/en/document/1438864.html; Vice News, *ISIS's Ghostly Presence Can still Be Felt in Mosul*, 18 May 2018, https://bit.ly/2OwcqwJ; HRW, *Flawed Justice*, 5 December 2017, www.refworld.org/docid/5a2651964.html, pp. 47-49. The Government's reported plan to return some thousands of Iraqis from formerly ISIS-held areas in north-east Syria is likely to add pressure on already overwhelmed detention centres; MEE, *Iraq Begins Trial Proceedings for 900 Suspected Islamic State Members*, 14 April 2019, https://shar.es/amPzxb; The Telegraph, *Iraq to Take Back 20,000 who Left for ISIL's Caliphate in Syria*, 12 March 2019, http://bit.ly/2HycNav. See also, HRW, *Transfer of ISIS Suspects, Including Foreigners, to Iraq Raises Torture Concerns*, 4 March 2019, http://bit.ly/2FepUfr.

193 HRW, *"Everyone Must Confess"*, 6 March 2019, http://bit.ly/2JdtlqI; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 11; HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, pp. 43-44. See also, Section III.A.9 ("*Children with Certain Profiles or in Specific Circumstances*").

194 "*Some of the most common forms include beatings on the head and body with metal rods and cables, suspension in stress positions by the arms or legs and the use of electric shocks*"; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, p. 18. There have been anectodal reports on the use of sexual violence against men in detention, although the extent is not known and underreporting is likely; The New Arab, *The Iraq Report: Government Crimes Fan Flames of Conflict*, 24 May 2017, http://bit.ly/2UWqmro; HRW, *Iraq: Chilling Accounts of Torture, Deaths*, 19 August 2018, www.ecoi.net/en/document/1441253.html; HRW, *Iraq: Fallujah Abuses Test Control of Militias*, 8 June 2016, www.refworld.org/docid/57590fcd4.html; HRW, *Iraq: Judges Disregard Torture Allegations*, 31 July 2018, www.ecoi.net/en/document/1439885.html; Geneva International Centre for Justice, *Militias in Iraq – The Hidden Face of Terrorism*, September 2016, http://bit.ly/2KFcn5n, p. 20.

195 "(…) *children with any association with ISIS are treated as criminals. Security officers often torture them to coerce confessions – regardless of their actual involvement* (…)"; HRW, *"Everyone Must Confess"*, 6 March 2019, http://bit.ly/2JdtlqI.

196 HRW, *Iraq: Judges Disregard Torture Allegations*, 31 July 2018, www.ecoi.net/en/document/1439885.html. According to Alkarama, "*torture is a systematic interrogation practice in the country. It is widely used by the security services after arrest and during interrogation and as a form of reprisal*"; Alkarama, *Universal Periodic Review Iraq – Submission to the Stakeholders' Summary*, 28 March 2018, https://bit.ly/2IHhpMH, para. 35. See also, HRW, *Iraq: Torture Persists in Mosul Jail*, 18 April 2019, https://bit.ly/2VfQ22p; Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr; HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf, pp. 55-61; HRW, *Iraq: Chilling Accounts of Torture, Deaths*, 19 August 2018, www.ecoi.net/en/document/1441253.html; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, pp. 6-7.

197 HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html; Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr, p. 3; UNAMI, *Report on Human Rights in Iraq: January to June 2017*, 14 December 2017, www.refworld.org/docid/5a746d804.html, p. 6.

already served a sentence.[198] In one reported incident, 12 children who had been transferred from KRG detention into the custody of the central authorities in mid-2017 have reportedly "*disappeared*".[199]

The criminal justice system reportedly remains deeply flawed with regular violations of defendants' right to a fair trial, in particular for those charged under the Anti-Terrorism Law.[200] The authorities are reported to rely on expedited trials in counterterrorism courts to prosecute ISIS suspects under the Anti-Terrorism Law, with trials often lasting less than 30 minutes.[201] At the hearing, suspects have a private or state-appointed lawyer; however, the lawyers regularly have limited or no access to the defendant prior to the trial.[202] In March 2019, HRW reported that it had observed improvements in Ninewa's counter-terrorism court, particularly in relation to the requirement for evidence to detain and prosecute suspects and reduced reliance on confessions.[203]

Judges are reported to often convict the accused mainly, or solely, based on confessions obtained under torture or duress,[204] and/or from information obtained through "secret informants",[205] and are

198 "*Sunni Arab boys who serve prison time in Iraq's Kurdistan region for Islamic State (also known as ISIS) connections risk rearrest after their release if they try to reunite with their families in areas controlled by Baghdad* (…)*. This situation currently only affects about two dozen boys who have been released after serving time on counterterrorism charges. But dozens more and hundreds of adults will soon be released from KRG prisons*"; HRW, *Iraq/Kurdistan Region: Risk of Double Trials for ISIS Ties*, 23 December 2018, www.ecoi.net/en/document/1455538.html. "*Lack of coordination between Iraqi and KRG authorities on the maintenance of wanted lists can lead to further injustice, resulting in duplicative punishments of IS suspects who travel between the two jurisdictions*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 22. See also, Al Arabiya, *Kurdistan Regional Government Hands Over 1,400 ISIS Detainees to Iraqi Govt*, 24 December 2018, http://ara.tv/9hqpn; US Department of Labor, *2017 Findings on the Worst Forms of Child Labor – Iraq*, 20 September 2018, www.refworld.org/docid/5bd05ace2.html, p. 6; Global Protection Cluster, *Detention Programming in Iraq*, 31 May 2018, https://bit.ly/2AQk7Jg, p. 2. Children released from detention are reported to remain at risk of reprisals as they are "*branded as ISIS*"; HRW, *"Everyone Must Confess"*, 6 March 2019, http://bit.ly/2JdtlqI.

199 HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, p. 38.

200 "*The Special Rapporteur was also made aware of a large number of allegations regarding violations of fair trial and due process guarantees in death penalty cases. These include, in particular, sentencing based mainly or solely on confessions obtained under torture or duress, lack of judicial investigation into allegations of torture during the investigation phase and swift trials resulting in mass executions.* (…) *existing procedural guarantees to ensure fair trials either are not implemented in practice or have proven insufficient to protect against abuses of due process rights, resulting in systematic violations of the right to life*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, paras 67-68. See also, Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr, p. 3; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html.

201 HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html; The New Yorker, *Iraq's Post-ISIS Campaign of Revenge*, 17 December 2018, https://bit.ly/2UMzTyd; AP, *A Neighbor's Word Can Bring Death Sentence in Iraq IS Trials*, 9 July 2018, https://bit.ly/2KKFvrq; AP, *Iraq's ISIS Trials Bring Swift Verdicts, Almost All Guilty*, 29 April 2018, https://bit.ly/2G07D7U; New York Times, *A 10-Minute Trial, a Death Sentence: Iraqi Justice for ISIS Suspects*, 17 April 2018, https://nyti.ms/2qCxc4F; HRW, *ISIS Trials Are Robbing Victims of Their Rights*, 26 January 2018, https://bit.ly/2DkrQmX.

202 "[The lawyers] *said that getting access to terrorism suspects was nearly impossible except during court hearings, though it varied by the security force and the location*"; HRW, *Iraq: Judges Disregard Torture Allegations*, 31 July 2018, www.ecoi.net/en/document/1439885.html. See also, AP, *A Neighbor's Word Can Bring Death Sentence in Iraq IS Trials*, 9 July 2018, https://bit.ly/2KKFvrq; HRW, *Flawed Justice*, 5 December 2017, www.refworld.org/docid/5a2651964.html, p. 41. On the risks faced by lawyers representing ISIS suspects, see also Section III.A.1.c ("*Persons Providing Legal Services to ISIS Suspects and Families Associated with Real or Perceived ISIS Members*").

203 "(…) *judges in the Nineveh governorate in northern Iraq are requiring a higher evidentiary standard to detain and prosecute suspects, minimizing the court's reliance on confessions alone, erroneous wanted lists, and unsubstantiated allegations.*" Yet, HRW assessed that "*more work is needed to ensure defendants are not mistreated and get fair trials*"; HRW, *Iraq: Key Courts Improve ISIS Trial Procedures*, 13 March 2019, http://bit.ly/2ObvkuB.

204 "*UNAMI and others have documented violations of fair-trial standards in proceedings leading to death sentences, including death sentences given in cases where little evidence was available besides a confession that the defendant argued was made under torture*"; OHCHR, *End of Visit Statement of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on Her Visit to Iraq*, 24 November 2017, https://bit.ly/2NfKxbN. See also, HRW, *Iraq: Judges Disregard Torture Allegations*, 31 July 2018, www.ecoi.net/en/document/1439885.html; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 67; Amnesty International, *The Condemned*, 17 April 2018, www.refworld.org/docid/5ad84a274.html, p. 18.

205 "*Informants never appear in court; their claims are passed to the judges in dry, written reports from intelligence officials with no hint of their possible motivation*"; AP, *A Neighbor's Word Can Bring Death Sentence in Iraq IS Trials*, 9 July 2018, https://bit.ly/2KKFvrq. "*Iraqi authorities' heavy reliance on the testimonies of secret informants to identify and prosecute alleged IS members makes it easy for innocent people to be falsely accused and unjustly punished for crimes that they did not commit*";

reported to sentence them to long periods of imprisonment (15 years or life) or capital punishment,[206] which is mandatory for a wide range of activities defined as "terrorist acts".[207] Observers report that judges have rarely ordered forensic medical examinations to investigate torture allegations, and even when they did and evidence of torture was found, they are reported not systematically to have called for retrials.[208] Under the Anti-Terrorism Law, ISIS suspects are prosecuted on the broad charges of ISIS affiliation, irrespective of the level of individual responsibility and the severity of the charges.[209]

In spite of repeated calls by the UN and human rights organizations for a moratorium on all death sentences and executions over fair trial concerns, the death penalty continues to be extensively used, with most of the death sentences reported to be imposed under the Anti-Terrorism Law.[210] UNAMI described the situation as "*large-scale mass executions of persons convicted of terrorism-related crimes*."[211] There are reports of individuals who were underage at the time of the commission of the alleged crime, having been sentenced to death.[212] Although exact figures of those executed are not

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UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 23. See also, Checkpoint, *Iraq's Prisoner Dilemma*, 1 October 2018, https://bit.ly/2PkSk9r. See also Section III.A.1.a ("*Civilians Perceived to Be Supporting ISIS*").

206 HRW, *Iraq: Judges Disregard Torture Allegations*, 31 July 2018, www.ecoi.net/en/document/1439885.html; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 67; Amnesty International, *The Death Penalty in 2017: Facts and Figures*, 12 April 2018, www.refworld.org/docid/5b32326a4.html, p. 8. See also Section III.A.1.a ("*Civilians Perceived to Be Supporting ISIS*").

207 "*The list of crimes for which the death penalty is not only applicable but mandatory is extensive and includes acts whose gravity fall below the threshold of 'most serious crimes' necessary to impose such a sentence under international norms. Its definition of terrorism is not in line with the International Convention for the Suppression of the Financing of Terrorism that Iraq ratified in 2012*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 47.

208 "*Courts continued to admit torture-tainted evidence and convict individuals under the Anti-Terrorism Law, more often than not resulting in death sentences*"; Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr, p. 3. "*Iraq's judges routinely fail to investigate security forces credibly alleged to have tortured terrorism suspects* (…). *Judges also frequently ignore allegations of torture and convict defendants based on confessions that defendants credibly allege were coerced*"; HRW, *Iraq: Judges Disregard Torture Allegations*, 31 July 2018, www.ecoi.net/en/document/1439885.html. See also, HRW, *Iraq: Key Courts Improve ISIS Trial Procedures*, 13 March 2019, http://bit.ly/2ObvkuB; Vice News, *Iraq's Rushed Judgement of ISIS Members Is Tearing the Country Apart*, 19 September 2018, https://bit.ly/2qOOL1i; AP, *A Neighbor's Word Can Bring Death Sentence in Iraq IS Trials*, 9 July 2018, https://bit.ly/2KKFvrq.

209 "*Iraq and the KRG have pursued justice for ISIS crimes by conducting thousands of trials of ISIS suspects, including children, often solely on the charge of ISIS membership, with no regard for the extent of the defendants' actual involvement or whether they committed any violent crimes. The counterterrorism laws being used by both Iraqi government and KRG authorities have allowed investigative judges to bring charges against individuals who did not commit violent acts, but played support roles, for example, by working as cooks or in hospitals*"; HRW, *"Everyone Must Confess"*, 6 March 2019, http://bit.ly/2JdtlqI. "(…) *the Anti-Terrorism Law under which he was convicted fails to distinguish between a low-risk individual who is coerced into IS and remorseful for his actions, and a high-risk individual – even a member of IS senior leadership – who remains unrepentant.* (…) *Drivers, combatants' wives, and the masterminds behind heinous attacks alike have all been convicted under the Iraqi Anti-Terrorism, Iraq's Law of 2005*"; Checkpoint, *Iraq's Prisoner Dilemma*, 1 October 2018, https://bit.ly/2PkSk9r. "(…) *many suspects are being convicted solely on the basis of membership in IS, as evidenced by swearing an oath of allegiance, without proof of specific offenses*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 19. See also, Washington Post, *Analysis | How the Iraqi Crackdown on the Islamic State May Actually Increase Support for the Islamic State*, 7 January 2019, https://wapo.st/2M7roKh; AP, *Iraq's IS Trials Bring Swift Verdicts, Almost All Guilty*, 29 April 2018, https://bit.ly/2OyZv29; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, p. 17; New York Times, *A 10-Minute Trial, a Death Sentence: Iraqi Justice for ISIS Suspects*, 17 April 2018, https://nyti.ms/2qCxc4F. See also, Section III.A.1 ("*Persons Wrongly Suspected of Supporting ISIS*").

210 "(…) *the Special Rapporteur is alarmed by the mass executions reported since 2016 and fears that this has become the modus operandi in particular in dealing with ISIL and terrorism cases*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 66. According to statistics available to the AP, the Iraqi government has sentenced to death at least 3,130 persons on terrorism-related charges since 2013, and at least 250 have already been executed; AP, *Iraq Holding more than 19,000 Because of IS, Militant Ties*, 22 March 2018, https://bit.ly/2ypn4QQ. According to Amnesty International, Iraq quadrupled its known figure of new death sentences, from at least 65 in 2017 to at least 271 in 2018; at least 52 persons were executed in 2018 (compared to at least 125 in 2017). It further reported that "[T]*he media office of then President Fuad Masum announced on several occasions that he had ratified 'batches' of death sentences that had been upheld by courts*"; Amnesty International, *Death Sentences and Executions 2018*, 10 April 2019, www.ecoi.net/en/file/local/2006174/ACT5098702019ENGLISH.PDF, pp. 11, 37, 46-47.

211 UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. *vi*.

212 OHCHR, *End of Visit Statement of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on Her Visit to Iraq*, 24 November 2017, https://bit.ly/2NfKxbN. The Iraqi Penal Code prohibits the imposition of death penalty for crimes committed when the defendant was a minor or was between the ages of 18 and 20 years; Republic of Iraq, *Penal Code, Law No. 111 of 1969*, July 1969, www.refworld.org/docid/452524304.html, Article 79. However, former Prime Minister Abadi has indicated that

known,[213] numerous individuals are reported to have been executed in recent years, including in mass hangings.[214] It has been reported that among those executed there have been intellectually disabled individuals.[215] Iraqi law provides for an automatic appeals process in death penalty cases;[216] however, death sentences are rarely overturned at the appeals level, according to a 2014 report.[217] 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.[218]

Individuals convicted of terrorism offences stipulated in the Anti-Terrorism Law for crimes committed after 10 June 2014[219] are reported to be ineligible to benefit from the General Amnesty Law (Law No. 27/2016), as amended by the Amnesty Amendment Law (Law No. 80/2017).[220]

The ISF and affiliated forces have also been reported to commit a range of human rights violations amounting to "*collective punishment*" against civilians, in particular women and children, associated with actual or perceived ISIS members on account of their family or tribal relations. Such violations include forced evictions; the destruction, burning, looting and confiscation of homes; physical attacks; rape and other forms of sexual violence; and blocking returns.[221] Local authorities (governorate and district councils, neighbourhood leaders [*mukhtars*]) have also been implicated in banning families from returning to their home areas, or, in other cases, ordering their expulsion.[222]

For relevant risk profiles, see Sections III.A.1, 3, 5, 6, 7, 8, 9, 10, 11 and 12.

convicts as young as 16 may be eligible for capital punishment; AP, *Iraq's Abadi: Half of IS Families Detained near Mosul Are Turkish*, 16 September 2017, https://bit.ly/2BSUklt.

213 The Government is reported to have failed to provide meaningful information concerning the number of persons arrested, indicted, convicted, sentenced to death or executed for terrorism-related offences; UNSC, *Implementation of Resolution 2421 (2018)*, 31 October 2018, https://undocs.org/S/2018/975, para. 48; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, pp. *vi*, 5. See also, Kurdistan 24, *Iraq Hands Down Death Sentences to Six 'Brothers' for ISIS Membership*, 12 February 2019, http://bit.ly/2FdZSca.

214 In response to the mass hanging of 42 convicts in September 2017, then UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, said that it was "*extremely doubtful*" that due process and fair trial guarantees had been met in each of the cases. He further added that "[I]*n such circumstances, there is a clear risk of a gross miscarriage of justice*"; OHCHR, *UN Human Rights Chief "Appalled" at Iraq Mass Execution*, 27 September 2017, www.refworld.org/docid/5b83c4424.html. See also, CNN, *Iraqi PM Orders 'Immediate' Execution of All Terrorists on Death Row*, 30 June 2018, https://cnn.it/2lEOSKi; Amnesty International, *Retaliatory Executions Do not Amount to Justice for Victims of 'Islamic State'*, 29 June 2018, https://bit.ly/2KRB0It; Amnesty International, *Iraq: 38 Hanged in Mass Execution for Terrorism' Charges*, 14 December 2017, https://bit.ly/2Ex97QZ.

215 UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, pp. 18, 20.

216 AP, *Iraq's IS Trials Bring Swift Verdicts, Almost All Guilty*, 29 April 2018, https://bit.ly/2OyZv29; HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, p. 52.

217 UNAMI, *Report on the Death Penalty in Iraq*, October 2014, https://www.refworld.org/docid/5445189a4.html, p. 2. No recent reports of verdicts having been overturned at the appeals level could be found. See also, BBC, *Inside the Iraqi Courts Sentencing IS Suspects to Death*, 2 September 2017, https://bbc.in/2APi7RI.

218 *Constitution of the Republic of Iraq*, 15 October 2005, www.refworld.org/docid/454f50804.html, Article 73(1). The International Covenant on Civil and Political Rights (ICCPR), Article 6(4), requires that anyone sentenced to death has the right to seek clemency or pardon or commutation of the sentence.

219 10 June 2014 is the date that ISIS seized control of Mosul.

220 *Iraq: Amnesty Amendment Law (Law No. 80/2017)* [Iraq], 13 November 2017, www.refworld.org/docid/5c764e217.html. "*The Amnesty Amendment Law No. 80 of 2017 ('the 2017 Law'), which entered into force on 21 August 2017, modified the legal framework on amnesty for Iraqis sentenced to death or a term of imprisonment for various offences. The 2017 Law renders ineligible for amnesty those convicted of various offences including abduction, as well as terrorism offences stipulated in the Anti-Terrorism Law No. 13 of 2005 where the crime was committed after 10 June 2014. This appears to exclude the possibility that amnesty could be used as a tool for reconciliation and reintegration of persons convicted of being members of ISIL and denying convicted persons the right to seek a pardon or commutation of their sentence as required by the ICCPR*"; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, https://www.refworld.org/docid/5b6afc544.html, p. 6. "*These amendments, ratified in November 2017, now preclude pardons for anyone convicted of terrorism, regardless of mitigating circumstances. The amendments also exclude several other serious crimes from eligibility for amnesty, including kidnapping, drug trafficking, and counterfeiting currency*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 21. On the limited implementation of the 2016 General Amnesty Law prior to the 2017 amendment, see also earlier UNAMI human rights reports, available at: www.refworld.org/publisher/UNAMI.html.

221 See Section III.A.1.b ("*Families Associated with Real or Perceive) ISIS Members*").

222 See Sections III.A.1.b ("*Families Associated with Real or Perceived ISIS Members*") and II.D ("*Forced Displacement and Returns*").

b) Human Rights Violations by the Kurdish Authorities

In the context of military operations against ISIS between 2014 and 2017, Kurdish security forces are reported to have been implicated in arbitrary arrest and *incommunicado* detention, enforced disappearance, torture and other forms of ill-treatment, and extra-judicial killings of mostly Sunni Arab men and fighting-age boys, whom they perceived to be affiliated with ISIS, including on the basis of broad and discriminatory criteria.[223] Other reported violations included the forced displacement and deliberate destruction of homes and other civilian property, and, in some cases, of whole villages suspected of affiliation with ISIS.[224] Until the re-establishment of territorial control by the central government in the disputed areas, Kurdish forces were reported to also have prevented displaced Sunni Arabs and Turkmen from returning to some of these areas.[225]

It has been reported that thousands of suspected ISIS fighters and affiliates, including women and children,[226] have been arrested by the Kurdish security forces, mostly under the Region's Anti-Terrorism Law No. 3 of 2006.[227] Many detainees are reported to be held without timely review of their arrest and

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223 "*In the current conflict with ISIL, boys and men who have fled areas under the control of ISIL have faced arbitrary arrests by Kurdish security forces, and in some cases also become victims of enforced disappearances*"; OHCHR, *End of Visit Statement of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on Her Visit to Iraq*, 24 November 2017, https://bit.ly/2NfKxbN. "*Iraqi and **Kurdish government forces** and paramilitary militias carried out extrajudicial executions of men and boys suspected of being affiliated with IS.* (…) *Iraqi forces, **Kurdish forces** and paramilitary militias, including the PMU, arrested thousands more alleged 'terrorism' suspects without judicial warrant from their homes, checkpoints and camps for internally displaced people (IDPs)*" (emphasis added); Amnesty International, *Amnesty International Report 2017/18 – Iraq*, 22 February 2018, www.refworld.org/docid/5a9919c74.html. See also, UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 36; HRW, *Kurdistan Regional Government: Allegations of Mass Executions*, 8 February 2018, www.refworld.org/docid/5a8eb1cba.html; HRW, *Kurdistan Region of Iraq: 350 Prisoners 'Disappeared'*, 21 December 2017, www.refworld.org/docid/5a3bae7d4.html. See also Section III.A.1 ("*Persons Wrongly Suspected of Supporting ISIS*").

224 "*There are also reports of retaliatory attacks by Kurdish security forces and associated Peshmerga and Yazidi armed groups against Sunni Arab civilians and their property following the recapture of territory*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 36. "(…) *there were allegations of deliberate destruction of Arab property and other rights violations by KRG Security Forces, particularly in villages suspected of affiliation with ISIL*"; GPPi, *Iraq After ISIL – Sub-State Actors, Local Forces, and the Micro-Politics of Control*, March 2018, https://bit.ly/2EMLqtt, p. 37. "*Human Rights Watch has also documented KRG forces committing unlawful destruction of Arab homes and sometimes of entire Arab villages, in tandem with the deportation of residents, in at least 21 villages in the areas of Kirkuk and Nineveh governorates*"; HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, p. 19. See also Sections II.D.1 ("*Internal Displacement*") and III.A.1.b ("*Families Associated with Real or Perceived ISIS Members*").

225 For example, "[F]*our villages northeast of Rabi'a town – Mahmoudiyya, Qahira, Saudiyya, and Sfaya – were largely destroyed, reportedly by Kurdish forces, and their populations were seldom permitted to return, even to other areas of Rabi'a.*" And further: "*Kurdish forces in control of areas of the Disputed Territories engaged in what appeared to be a deliberate reverse Arabization policy, forcing Sunni Arab IDPs from the area, preventing Sunni Arab return, and eliminating entire Sunni Arab communities along their line of control. This was most prominent in the Kirkuk and Zummar* [Ninewa] *case studies, but there were also similar allegations in northern Tuz* [Salah Al-Din Governorate] *and in Rabi'a* [Ninewa Governorate]"; GPPi, Ira*q After ISIL – Sub-State Actors, Local Forces, and the Micro-Politics of Control*, March 2018, https://bit.ly/2EMLqtt, pp. 37, 59. "*In Jalawla* [Diyala Governorate]*, most of the families were blocked by Kurdish forces, whether Peshmerga, Asayish or KRG.* (…) *In Jalawla, the most common means to prevent families from returning was to delay the processing of their documentation, followed by stopping them at checkpoints*"; IOM, *Obstacles to Return in Retaken Aras of Iraq*, March 2017, https://bit.ly/2PP80H1, pp. 22, 23. See also, GPPi, *Iraq after ISIL: Tuz*, 16 August 2017, https://bit.ly/2ECqX92.

226 "*The Kurdistan Regional Government (KRG) has arrested hundreds of boys for alleged ISIS association at checkpoints as they were fleeing ISIS territory, from camps for displaced persons, or when entering the Kurdistan region to find work*"; HRW, *"Everyone Must Confess"*, 6 March 2019, http://bit.ly/2JdtlqI. "*As of September 2017, a total of 2,652 individuals had been arrested and detained by Kurdistan Region authorities since 2015 under anti-terrorism laws on suspicion of supporting ISIL. Of these, 1,110 have been found guilty on terrorism charges and 870 have been released*"; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 11. "(…) *at least 4,000 individuals have been detained on IS-related charges by Kurdish Regional Government (KRG) authorities*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 17. "*In 2017 at least 1,036 children (1,024 boys, 12 girls), including **345 in the Kurdistan Region**, remained in juvenile detention facilities on national security-related charges, mostly for their alleged association with ISIL*" (emphasis added); UNSC, *Report of the Secretary-General on Children and Armed Conflict*, 16 May 2018, A/72/865–S/2018/465, https://undocs.org/A/72/865, para. 76. See also, US Department of Labor, *2017 Findings on the Worst Forms of Child Labor – Iraq*, 20 September 2018, www.refworld.org/docid/5bd05ace2.html, p. 6; HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, pp. 38, 48. See also Section III.A.1.a ("*Civilians Perceived to Be Supporting ISIS*").

227 The KR-I adopted its own Anti-Terrorism Law (Law No. 3 of 2006). The law expired in July 2016, but was renewed on 1 July 2018. Concerns were raised over the law's application in the interim period; Al-Monitor, *Renewal of Anti-Terror Law Threatens*

detention status by a competent judge and are denied access to their family or lawyers.[228] Observers also express concern about the reported use of torture and ill-treatment of detainees during investigations,[229] including of children.[230]

Detainees are reportedly held in inadequate conditions due to overcrowding, poor hygiene, and lack of health services.[231] Children are reported to be regularly detained together with adults or held in overcrowded conditions in juvenile facilities with limited options for rehabilitation and reintegration.[232]

ISIS suspects are tried in expedited procedures in counter-terrorism courts,[233] which are reported to lack judicial independence.[234] The justice system is reported to continue to rely heavily on confessions and, according to UNAMI/OHCHR, there is no effective system in place to investigate torture

Human Rights in Iraqi Kurdistan, 19 July 2018, http://almon.co/3317; NRT, *Kurdistan Parliament Votes for Extension of Counter-Terrorism Law*, 1 July 2018, https://bit.ly/2EKJ0uk; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 62. The law is available, in Kurdish, at: https://bit.ly/2V2P7iA.

228 "*UNAMI/OHCHR remains concerned by reports of breaches in the application of the Criminal Procedure Code in the Kurdistan Region, in particular in proceedings relating to terrorism charges under the Kurdistan Region Anti-Terrorism Law No. 3 of 2006, including long delays in bringing detainees before a judge, restrictions on or denial of access to legal counsel, or prolonged periods of detention without trial*"; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 10. See also, HRW, *"Everyone Must Confess"*, 6 March 2019, http://bit.ly/2JdtlqI; HRW, *Kurdistan Region of Iraq: Detained Children Tortured*, 8 January 2019, https://bit.ly/2AIK52o; Al-Monitor, *Renewal of Anti-Terror Law Threatens Human Rights in Iraqi Kurdistan*, 19 July 2018, http://almon.co/3317; HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, pp. 38, 42-43.

229 "*Those detained by central Iraqi and **Kurdish forces** were routinely tortured and subjected to other forms of ill-treatment during interrogation, often to extract 'confessions'* " (emphasis added); Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr, p. 3. See also, Al-Monitor, *Renewal of Anti-Terror Law Threatens Human Rights in Iraqi Kurdistan*, 19 July 2018, http://almon.co/3317; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 10; HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, p. 51.

230 "*The Kurdistan Regional Government in northern Iraq is torturing children to confess to involvement with the Islamic State* (…)*. Nearly two years after the Kurdistan Regional Government promised to investigate the torture of child detainees, it is still occurring with alarming frequency* (…)"; HRW, *Kurdistan Region of Iraq: Detained Children Tortured*, 8 January 2019, https://bit.ly/2AIK52o. "*Tens of juveniles remain detained by the Kurdish authorities under the counter-terrorism regime, which, due to a lack of procedural guarantees, places them at risk of human rights violations, including death in detention. This risk is increased by the severely limited access of local and international organizations to detention facilities, rendering monitoring of the situation almost impossible*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 36. "*Out of nineteen child ISIS suspects held by the KRG and interviewed by Human Rights Watch, seventeen said that Asayish forces tortured them in order to extract confessions*"; HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, p. 51. See also, Rudaw, *KRG Denies Asayish Detention, Torture of ISIS Child Suspects*, 6 March 2019, http://bit.ly/2TReLcp; Rudaw, *KRG: Ill Treatment 'Rare' in Response to Claims of Child Torture*, 8 January 2019, https://bit.ly/2T0phu4.

231 "*Iraqi and KRG authorities continued to operate overcrowded detention facilities, some of them secret. Released detainees and witnesses reported inhumane conditions*"; Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr, p. 3. See also, HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, pp. 48-49.

232 "*The Iraqi government and KRG authorities have specialized juvenile justice systems for children. However, not all children suspected of ISIS affiliations are being held in those systems' facilities throughout their investigation and trial*"; HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, p. 44. See also p. 48 of the same report. See also, UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 11; HRW, *Iraq/Kurdistan Region: Men, Boys Who Fled ISIS Detained*, 26 February 2017, www.refworld.org/docid/58b3fce14.html. See also, Section III.A.9 ("*Children with Certain Profiles or in Specific Circumstances*").

233 "*Most reported that their court hearings lasted no more than five or 10 minutes, and were typically conducted in Kurdish, a language they did not understand*"; HRW, *"Everyone Must Confess"*, 6 March 2019, http://bit.ly/2JdtlqI. See also, HRW, *Kurdistan Region of Iraq: Detained Children Tortured*, 8 January 2019, https://bit.ly/2AIK52o.

234 "*Other problems hampering judicial independence include the* (…) *politicization of the terrorism court – in which judges make rulings based on instructions of KDP and PUK security forces and clients* (…)"; The Tahrir Institute for Middle East Policy, *Judiciary in Kurdistan Region in Peril*, 11 January 2019, https://bit.ly/2Fqa7ey. See also Section II.E.3 ("*The Ability and Willingness of the State to Protect Civilians from Human Rights Abuses*").

allegations.[235] Observers have expressed concern over KRG courts prosecuting ISIS suspects for crimes carried out outside their territorial jurisdiction.[236]

Despite a *de facto* moratorium on the implementation of the death penalty, the KRG is reported to have breached it on two occasions in 2015 and 2016.[237]

On 17 December 2017, the Kurdistan Parliament ratified an Amnesty Law (Law No. 4 of 2017), which, *inter alia*, provides for the commutation of death sentences to 15 years imprisonment when reconciliation is reached with the families of the victims. The law is reported not to apply to certain categories of crimes, including "*crimes relating to national security, repeat offenders, some financial crimes, and rape and torture of children, among others*."[238] According to reports, the KRG has no amnesty law in place for suspects who joined ISIS and are found not to have committed any other crimes.[239]

For relevant risk profiles, see Sections III.A.1, 4, 5, 6, 8, 9, 10, 11 and 12.

2) Non-State Actors

a) Human Rights Abuses by ISIS

While holding control of territory between 2014 and 2017, ISIS is reported to have committed acts that would amount to war crimes, crimes against humanity, and, in the case of the Yazidi community, genocide.[240] Reports by the UN and human rights organizations have implicated members of ISIS in gross, systematic and widespread attacks directed against civilians, including murder, kidnapping,

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235 UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, pp. 10-11. See also, HRW, *"Everyone Must Confess"*, 6 March 2019, http://bit.ly/2JdtlqI; HRW, *Kurdistan Region of Iraq: Detained Children Tortured*, 8 January 2019, https://bit.ly/2AIK52o; The New Yorker, *Iraq's Post-ISIS Campaign of Revenge*, 17 December 2018, https://bit.ly/2UMzTyd.

236 "*KRG courts are in many cases prosecuting suspects for crimes committed in Mosul and other areas of federal Iraq that fall outside of their territorial jurisdiction. Some of these crimes also occurred in disputed territories where both the federal Iraqi government and KRG claim jurisdiction – notably Sinjar District (the site of IS's massacre of the Yazidis) and Tel Afar District, one of the last areas lost by IS before its retreat into Syria. As a matter of territorial jurisdiction, KRG authorities should be transferring suspects accused of committing terrorism-related offenses on federal Iraqi soil to federal Iraqi authorities, but they have resisted doing so*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 18.

237 UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 11. HRW quoted a KRG spokesperson as saying that the death penalty was banned "*except in very few cases which were considered essential*"; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html. "*Officials have suggested that the moratorium is not under threat but pointed to popular pressures to resume death penalty in response to ISIL crimes*"; OHCHR, *End of Visit Statement of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on Her Visit to Iraq*, 24 November 2017, https://bit.ly/2NfKxbN. The KR-I's Anti-Terrorism Law (see footnote 227) imposes mandatory death sentences for a number of crimes, although not all are reported to meet the threshold of "*most serious crimes*" required by international norms for the imposition of such a sentence; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 62.

238 UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 9.

239 UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 22; HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, pp. 36, 40.

240 "*Between June 2014 and December 2017, ISIL captured, controlled and operated with impunity over large swathes of territory in Iraq, committing grave abuses of international human rights law, international criminal law and international humanitarian law – acts that may amount to war crimes, crimes against humanity and genocide*"; UNSC, *Letter Dated 15 November 2018 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*, 16 November 2018, S/2018/1031, http://bit.ly/2GiUsOA, para. 8. "*ISIL has committed a range of unspeakable violations of international humanitarian and human rights law against Iraqi civilians as well as members of ISF and affiliated forces in and hors de combat*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 22. See also, HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html; UN, *Secretary-General Appoints Karim Asad Ahmad Khan of United Kingdom to Head Team Investigating Islamic State Actions in Iraq*, 31 May 2018, https://bit.ly/2LScG9h; UNSC, *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; UN Human Rights Council, *"They Came to Destroy"*: ISIS Crimes Against the Yazidis, 15 June 2016, A/HRC/32/CRP.2, www.refworld.org/docid/57679c324.html.

hostage-taking, suicide bombings, torture, rape, sexual slavery and other forms of sexual violence, sale into or otherwise forced marriage, trafficking in persons, forced religious conversions, recruitment and use of children as well as attacks on critical infrastructure and destruction of cultural heritage.[241] To date, more than 200 mass graves containing the remains of thousands of men, women and children have been discovered in areas formerly controlled by ISIS, including in Ninewa, Kirkuk, Salah Al-Din, Al-Anbar, Babel, and Baghdad Governorates.[242]

Following the loss of territory, ISIS is reported to continue to launch attacks in and around its former strongholds, mainly targeting members of the ISF and affiliated forces as well as civilians considered to be representing the state or collaborating with it.[243] The group is further reported to continue to single out religious and minority ethnic groups.[244] Reported methods of attack include in particular targeted assassinations and kidnappings, the storming of villages, and IED attacks aimed at causing mass casualties.[245] ISIS is reported to finance its activities through extortion of civilians, kidnappings for ransom and other criminal activities.[246]

For relevant risk profiles, see Sections III.A.2, 5, 6, 8, 9, and 10.

241 *Ibid*.

242 Estimates range from 6,000 to more than 12,000 victims buried in these sites; UNAMI/OHCHR, *"Unearthing Atrocities: Mass Graves in Territory Formerly Controlled by ISIL"*, 6 November 2018, http://bit.ly/2IcPLI8, p. 1. At the time of writing, new mass graves continued to be found, see e.g. Middle East Monitor, *Iraq Uncovers Mass Grave of Daesh Victims in Mosul*, 14 March 2019, http://bit.ly/2FgaDdX; NINA, *Mass Grave for Yazidis Found Northwest of Mosul*, 25 February 2019, https://bit.ly/2J4Ubku; NINA, *The Bodies of /26/ Civilians from Shabak Were Found East of Mosul*, 21 February 2019, https://bit.ly/2VvhYM1; NINA, *Mass Grave, Mostly of Victims of Security Forces Killed by Daesh, Found West of Mosul*, 19 February 2019, https://bit.ly/2Hc2TuP; NINA, *Mass Grave Found West of Mosul*, 7 February 2019, https://bit.ly/2GstQdv.

243 See Section III.A.2 ("*Persons Associated with, or Perceived as Supportive of, the Government*").

244 It has been reported that a kidnapped individual's religious background determines whether ISIS asks for ransom (Sunnis) or kill the victim (Shi'ites). With the killing of Shi'ites, whom ISIS considers to be apostates, the group reportedly seeks to provoke sectarian tensions; New York Times, *They Go to the Desert to Hunt for Truffles. But ISIS Is Hunting Them*, 19 March 2019, https://nyti.ms/2TOFOpJ. See also, Section III.A.5 ("*Members of Religious and Minority Ethnic Groups*").

245 See e.g., NINA, *A Civilian Killed, Another Wounded on an Attack Launched by Daesh on a Village Northeast of Baquba*, 26 April 2019, https://bit.ly/2IQaXDj; NINA, *Gunmen Belonging to Daesh Storm a Village West of Mosul*. 22 April 2019, https://bit.ly/2Dvftmk; CNN, *Iraq Defeated ISIS more than a Year Ago. Its Revival Is Already Underway*, 5 March 2019, https://cnn.it/2tQDi2D; NINA, *A Local Source Warns of Daesh Activity in Targeting the Villages of South Buhrez in Diyala*, 1 January 2019, https://bit.ly/2Vxto2x; Buzzfeed, *The Trump White House Says ISIS Has Been Defeated in Iraq. The Data Says Otherwise*, 31 October 2018, https://bit.ly/2PtXAf1; AP, *Daesh Reverting to Insurgency Tactics*, 13 October 2018, http://bit.ly/2AcATU0; ISW, *ISIS's Second Resurgence*, 2 October 2018, https://bit.ly/2y28pL9. See also examples included under respective risk profiles.

246 "*Other activities have aimed at restoring the group's financial footing. On Sunday* [17 February 2019]*, militants kidnapped a group of 12 truffle hunters in the western Anbar province, marking a return to a strategy of intimidating and extorting farmers and traders for financial gain*"; AP, *IS Move from Syria to Iraq, Destabilize Country's Security Say Officials*, 23 February 2019, https://bit.ly/2SXuLdc. "*Extortion remains a major source of income for the group, facilitated by ISIS's tactic of gathering personal information on civilians while governing territory, according to media reports. This allows ISIS to build leverage and threaten or extort civilians in areas where the group maintains a presence.*" In addition, "*ISIS in Iraq gains revenue from limited oil smuggling, taxation, kidnapping for ransom, trafficking of drugs and other illicit materials, external donations, and a range of various other criminal activities*"; US Department of Defense, *Lead Inspector General for Operation Inherent Resolve I Quarterly Report to the United States Congress I October 1, 2018 – December 31, 2018*, 4 February 2019, https://bit.ly/2GalvM8, p. 31. In areas in which ISIS remains active, "*taxes are being collected and retaliation for those that refuse to play*"; Musings on Iraq, *October 2018: Islamic State Expanding Operations in Iraq*, 2 November 2018, https://bit.ly/2zi3KWb. "*During the years they were in control, Islamic State members meticulously collected personal data from the population that includes detailed information on assets and income, as well as the addresses of extended family members. This critical intelligence on the population provides the group with more leverage in intimidating and extorting civilians, allowing it to replenish cash reserves in the process*"; Foreign Policy, *ISIS's New Plans to Get Rich and Wreak Havoc*, 10 October 2018, https://bit.ly/2NHAs7C. See also, Rudaw, *In the Plains of Northern Iraq, Familiar Shadows Roam and Kill*, 20 February 2019, https://bit.ly/2VoDIct; UNSC, *Eighth 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/2019/103, 1 February 2019, http://undocs.org/S/2019/103, para. 14; ISW, *ISIS's Second Resurgence*, 2 October 2018, https://bit.ly/2y28pL9; US Department of State, *Country Reports on Terrorism 2017 – Foreign Terrorist Organizations: Islamic State of Iraq and Syria (ISIS)*, 19 September 2018, www.refworld.org/docid/5bcf1f41a.html.

b) Human Rights Abuses by Family, Tribe, Community

Acts of violence, abuse and harmful traditional practices against women and girls as well as individuals of diverse sexual orientations and/or gender identities are commonly committed by members of an individual's family, tribe, or community.[247] Furthermore, in some areas, members of local communities and tribes[248] are also reported to prevent the return of civilians perceived to be affiliated with ISIS or have engaged in reprisal acts against them.[249] In some areas, tribal and community leaders have reportedly been successful in containing violent retribution against suspected ISIS members and their families by barring collective punishment against families associated with actual or perceived ISIS members and engaging in reconciliation efforts.[250]

For relevant risk profiles, see Sections III.A.1, 5, 8, 9, 10, and 11.

3) The Ability and Willingness of the State to Protect Civilians from Human Rights Abuses

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

Iraq lacks an appropriate legal framework to prosecute international crimes, including war crimes, crimes against humanity and genocide.[251] 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.[252] Based on a UNSC resolution

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247 See Section III.A.8 ("*Women and Girls with Certain Profiles or in Specific Circumstances*") and III.A.10 ("*Persons of Diverse Sexual Orientations and/or Gender Identities*").

248 "*Tribalism is an integral part of the fabric of Iraqi society, where tribes have been important providers of justice, security, and services since the founding of the modern Iraqi state in 1921*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 24. Tribes transcend geographic and ethnic divisions and by some estimates, the large majority of Iraq's population belongs to one of the country's 150 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)*; Project on Middle East Political Science (POMEPS), *Legal Pluralism and Justice in Iraq after ISIL*, 10 September 2018, https://bit.ly/2rpzPqw; War on the Rocks, *Baghdad Must Seize the Chance to Work With Iraq's Tribes*, 17 January 2018, https://bit.ly/2PoIhzW; University of Nebraska, *Iraqi Ethnic, Tribal, and Religious Groups*, undated, https://bit.ly/2BX2FES, pp. 3-5.

249 See Section III.A.1.a ("*Civilians Perceived to Be Supporting ISIS"*) and b (*"Families Associated with Real or Perceived ISIS Members*").

250 "*In the town of al-Shura, north of Mosul, the Jabbouris are leading an intra-tribal initiative to reconcile the families of suspected ISIS militants with their broader kin, allowing these families to return to their homes*"; ECFR, *Reconciliation in Sinjar after ISIS*, 31 October 2018, https://bit.ly/2P3B2x7, p. 12. See also, Sanad for Peacebuilding, *The Successful Return of 1000 Families to Al-Ayadhiya, Tal Afar Following Reconciliation Efforts by Sanad for Peacebuilding*, 11 November 2018, https://bit.ly/2H2EYhq; Sanad for Peacebuilding*, Iraq: Announcement of Peaceful Coexistence Pact of Honor for the Tribes in Al-Ayadiyah Sub-District*, 10 August 2018, https://bit.ly/2TgqalF; HRW, *How Reconciliation in Iraq Could Stop Collective Punishment*, 22 March 2018, www.refworld.org/docid/5b39f21ba.html. See also, UNHCR, *Tribal Conflict Resolution in Iraq*, 15 January 2018, www.refworld.org/docid/5a66f84f4.html, p. 5 (and sources therein).

251 "*The Government has embarked on a large judicial endeavour to hold ISIL fighters to account for massive violations of human rights and humanitarian law primarily through the Anti-Terrorism Law.* (…) *The Special Rapporteur does not believe that the Anti-Terrorism Law was designed to respond to such international crimes. To date, the Penal Code does not include provisions covering international crimes*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, paras 46, 48-49.

252 "*Ensuring accountability for crimes committed in relation to armed conflict, including acts of terrorism and other forms of violence, violations of international humanitarian law, and human rights violations and abuses, no matter when, where or by whom such crimes, violations or abuses were committed, remain significant challenges in Iraq*"; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 7. "*The impunity of Iraqi and KRG security forces for their own serious abuses is a serious problem for justice and accountability in Iraq and for broader efforts at reconciliation. As far as Human Rights Watch is aware, Iraqi and KRG courts have not convicted Iraqi, Kurdish or anti-ISIS forces for any human rights and laws of war abuses*"; HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, p. 7. "(…) *the PMU have undoubtedly and repeatedly committed gross human rights violations. However, as with many of the problems caused and challenges presented by the PMU, their human rights violations are a symptom of a broader Iraq-wide issue. Presenting the PMU as somehow uniquely implicated in human rights violations overlooks the fact that there is a far broader culture of impunity that is unfortunately exhibited by all armed actors in Iraq: from the pre-2003 regime to U.S. and British forces to security contractors to the Iraqi federal police, Iraqi army, intelligence services, Ministry of Interior, Peshmerga, Asayish, the Awakening*

adopted in September 2017, a UN investigative team (UNITAD) was tasked to support domestic efforts to hold ISIS accountable for its crimes by collecting, preserving and storing evidence in Iraq of acts that might amount to war crimes, crimes against humanity and genocide.[253]

The criminal justice system is reported to be weak and does not meet international and domestic legal obligations in relation to arrest and detention, due process and fair trial standards.[254] The authorities' failure to credibly investigate incidents of torture and deaths in detention and to hold perpetrators accountable, is reported to perpetuate a climate of impunity for these human rights violations.[255] The Iraqi authorities are reported to have limited capacity[256] to thoroughly investigate human rights abuses committed by ISIS.[257] Furthermore, survivors of ISIS abuse, including Yazidis, are reported to not have been able to participate in court proceedings, including as witnesses.[258]

In relation to human rights violations and abuses involving the ISF and affiliated forces, including during military campaigns against ISIS, the government is reported to have taken limited steps to investigate and hold to account those found to be responsible and findings of such investigations are rarely made public.[259]

Councils, Sunni tribes, and so the list goes on"; The Century Foundation, *Understanding Iraq's Hashd al-Sha'bi*, 5 March 2018, https://bit.ly/2oXcbQH. "*The sheer number of* [non-state and quasi-state armed] *groups, alongside weak command and control and few enforcement options, made it difficult for Iraqi authorities to prevent or punish criminal acts, which reinforced a sense of impunity and lawlessness.* (…) *The prevalence of extrajudicial violence and criminality by groups vested with nominal state authority, and the fact that they appeared to do so with impunity, weakened rule of law*"; GPPi, *Iraq After ISIL: Sub-State Actors, Local Forces, and the Micro-Politics of Control*, March 2018, https://bit.ly/2EMLqtt, pp. 7, 61. See also, HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html; Ceasefire Centre for Civilian Rights / MRGI, *Civilian Activists under Threat in Iraq*, December 2018, https://bit.ly/2UnHNgl, pp. 4, 8, 24, 32. See also specific references to impunity under in risk profiles 5.a, 6, 8, 10 and 12.

253 Since the appointment of Karim Asad Ahmad Khan as the Special Adviser and Head of the Investigative Team on 13 July 2018, preparatory work has been done in pursuit of the implementation of the team's mandate and the team commenced investigative activities in early 2019; UN, *Witness Testimony Revealing Scope, Magnitude of ISIL Abuses in Iraq, Head of New Investigative Team Tells Security Council During First-Ever Briefing*, SC/13605, 4 December 2018, https://bit.ly/2UmKFe9; UNSC, *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), https://www.refworld.org/docid/5a2fda0cb.html.

254 See Section II.E.1.a ("*Human Rights Violations by Iraqi Authorities and Affiliated Forces*").

255 HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html; HRW, *Chilling Accounts of Torture, Deaths*, 19 August 2018, www.ecoi.net/en/document/1441253.html.

256 Iraq's judicial system is reported to have been overwhelmed by the influx of detained ISIS suspects, leading to summary trials that compromise fair trial standards; Checkpoint, *Iraq's Prisoner Dilemma*, 1 October 2018, https://bit.ly/2PkSk9r; AP, *Iraq's IS Trials Bring Swift Verdicts, Almost all Guilty*, 29 April 2018, https://bit.ly/2KkXsZI. See also Section II.E.1.a ("*Human Rights Violations by Iraqi Authorities and Affiliated Forces*").

257 "*The Iraqi authorities' failure to take decisive action against human rights abuses within their institutions and security forces violates international legal obligations*"; HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf, p. 75. "*Presently, Iraqi courts do not have jurisdiction over international crimes committed in Iraq and the capacity to investigate and try perpetrators of such crimes remains extremely weak*"; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 7. See also, Harvard Kennedy School, *The Politics of Security in Ninewa: Preventing an ISIS Resurgence in Northern Iraq*, 7 May 2018, https://bit.ly/2PBAjDQ, p. *iii*.

258 Alkarama, *Universal Periodic Review Iraq – Submission to the Stakeholders' Summary*, 28 March 2018, https://bit.ly/2IHhpMH, para. 38; HRW, *Iraq: Key Courts Improve ISIS Trial Procedures*, 13 March 2019, http://bit.ly/2ObvkuB; HRW, *ISIS Trials Are Robbing Victims of Their Rights*, 26 January 2018, https://bit.ly/2DkrQmX.

259 "*Despite commitments by the prime minister in September 2017 to investigate allegations of torture and extrajudicial killings, authorities seemingly took no steps to investigate these abuses*"; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html. "*The Special Rapporteur was informed that* (…) *steps towards accountability have been taken, including the establishment of a directorate for security and discipline staffed with investigators, and a detention center in Baghdad holding up to 200 members of affiliated forces accused of various crimes. However, it is unclear how effective these accountability mechanisms and the investigations conducted to date are, as it appears that no legal proceedings have been opened in any of the above-mentioned or other reported cases*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 58. See also, Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr, p. 4; HRW, *Iraq: Officials Dispose of Potential War Crime Evidence*, 20 April 2018, www.refworld.org/docid/5b39f2d23.html.

The ISF, including the local police, continue to be themselves a target of attacks by ISIS, weakening their ability to provide protection to civilians.[260] The rule of law is reported to be compromised by the actual and perceived[261] corruption in law enforcement agencies and the judiciary.[262] In addition to prevailing nepotism, the independence of the judiciary is reportedly also undermined by political pressure from the executive branch and political parties,[263] as well as threats, intimidation and attacks against judges, prosecutors, lawyers and, in some cases, their family members.[264] Due to a lack of trust in the effectiveness of the formal justice system, many Iraqis are reported to turn to tribal conflict resolution mechanisms.[265] Access to justice for women and persons of diverse sexual orientations and/or gender identities is reported to be hampered by patriarchal gender norms that continue to persist among members of law enforcement agencies and the judiciary.[266]

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260 See Section III.A.2 ("*Persons Associated with, or Perceived as Supportive of, the Government*").

261 Iraq has been ranked 168th (out of 180 countries) in the global Corruption Perceptions Index for 2018; Transparency International, *Corruption Perceptions Index 2018*, 21 February 2018, https://bit.ly/2B7SAEu. "*Iraq is a country with a very substantial revenue from its hydrocarbons sector and yet many of its citizens live in poverty, illiteracy, ill-health and unemployment.* (…) *Part of the answer lies in corruption. Corruption is pervasive across all levels in Iraq*"; Special Representative of the United Nations Secretary-General for Iraq, *Reviving Public Trust: A Necessity Keynote Address to the Sulaimani Forum by the SRSG for Iraq, Ms. Jeanine Hennis-Plasschaert*, 6 March 2019, http://bit.ly/2XYTn4q, pp. 4-5. Among many Mosul residents, "(…) *negative attitudes toward the Iraqi government appear to be linked to personal experiences with corruption and injustice. 28 percent of respondents said that they have 'no trust' or 'not very much trust' in the Iraqi judiciary, raising concerns about the ability of the Iraqi justice system to fairly adjudicate the cases of the thousands of individuals who are facing trial on IS-related charges"*; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 14.

262 "*Lawyers said that bribery was commonplace in the judicial system and admitted to bribing security officers and judges to secure their clients' release or better treatment*"; HRW, *Iraq: Judges Disregard Torture Allegations*, 31 July 2018, https://bit.ly/2vl4QO1. "(…) *the Iraqi judiciary proved susceptible to corruption as well as threats and blackmail that are often carried out by political parties or paramilitary groups*"; Atlantic Council, *Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq*, July 2018, https://bit.ly/2BcUkvj, p. 12. "*The perception that IS fighters can easily bribe their way out of justice has been cited by Iraqi security forces and militias as a justification for extra-judicial killings of prisoners*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 29. "*Law enforcement* (…) *remains constrained by the lack of necessary capacities and by rampant corruption*"; Bertelsmann Foundation, *BTI 2018 Country Report – Iraq*, 2018, www.ecoi.net/en/file/local/1427413/488298_en.pdf, p. 9. "(…) *the Iraqi government failed to implement anti-corruption laws effectively and public officials engage in corruption with impunity. Bribery and giving gifts to 'get things done' are widespread practices in Iraq, despite being illegal*"; GAN Integrity Inc., *Iraq Corruption Report*, last updated June 2017, https://bit.ly/2Pzf3hW. See also, Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html; Jamestown Foundation, *Conditions in Mosul Ripen for Return of Islamic State*, Terrorism Monitor Vol. 17(1), 11 January 2019, https://bit.ly/2D7xsj0; Rise Foundation, *Mosul and Tel Afar Context Analysis*, December 2017, https://bit.ly/2CzJSwU, p. 29.

263 "*The judiciary is influenced by corruption, political pressure, tribal forces, and religious interests. The lines between the executive, legislative, and judicial branches are frequently blurred, and executive interference in the judiciary is widespread*"; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html. "*Since 2003, the Iraqi judiciary has fallen prey to political interference and pressure, corruption and bribery, religious interests and tribal forces*"; European Parliament / Directorate-General for External Policies, *Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation*, February 2018, https://bit.ly/2SHFy6Y, p. 24. "*The judicial system has become highly vulnerable to political pressure. Many judges are now controlled by the government, either by fear, by threats, or by bribes. This has rendered a true democracy impossible, as it has fostered a situation where biased judges have allowed government leaders and officials to become above the law. This exploitation of the judiciary has resulted in the right to a fair trial being gravely violated*"; Geneva International Centre for Justice, *GICJ's Submissions on Iraq – Reports Submitted to the 35th Session of the UN Human Rights Council*, June 2017, http://bit.ly/2FDe7F1, p. 5. See also, The Guardian, *'Iraq is Dying': Oil Flows Freely but Corruption Fuels Growing Anger*, 27 August 2018, https://bit.ly/2NpqtEL; ISW, *Iraq's Judiciary Rules Against Sunni Politician ahead of Iraqi Elections*, 9 February 2018, https://bit.ly/2RXgTiS. See also, The Washington Institute, *After IS, Iraq's Major Challenge is Corruption*, 2 August 2018, https://bit.ly/2Cbm2Kz.

264 See Sections III.A.1.c ("*Persons Providing Legal Services to ISIS Suspects and Families Associated with Real or Perceived ISIS Members*"), III.A.2 ("*Persons Associated with, or Perceived as Supportive of, the Government*") and III.A.3 ("*Persons Opposing, or Perceived to Be Opposing, the Government or those Affiliated with the Government*").

265 "*Due to distrust of or lack of access to the courts, many Iraqis have turned to tribal bodies to settle disputes, even those involving major crimes*"; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html. "*In practice, Iraq's civil and criminal courts are often avoided by parts of the population, who, depending on social class and financial means, resort to tribal or religious figures for the settlement of disputes and private matters*"; Bertelsmann Foundation, *BTI 2018 Country Report – Iraq*, 2018, www.ecoi.net/en/file/local/1427413/488298_en.pdf, p. 8. See also Section III.A.11 ("*Individuals Targeted as Part of Tribal Conflict Resolution, Including Blood Feuds*").

266 "(…) *state protection in general for victims of abusive family situations is practically non-existent*"; Canada: 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, IRQ106049.E, www.refworld.org/docid/5aa916bb7.html. See also Sections III.A.8 ("*Women and Girls*

The Iraqi High Commission for Human Rights (IHCHR)[267] has, according to observers, been prone to political interference and lacks public trust.[268]

As per the Laws on Compensation (Law No. 20 of 2009 and Law No. 57 of 2015), the Iraqi authorities will compensate all citizens whose properties were affected by war-related incidents since 2003.[269] Commissions set up under the law are reported to have received thousands of compensation requests, however, civilians are reported to face serious challenges in navigating the procedures[270] and no claims for deaths or injuries since 2014 are reported to have been paid out.[271] Families with perceived ISIS affiliation have, according to reports, been denied security clearance, preventing them from lodging compensation claims.[272]

with Certain Profiles or in Specific Circumstances") and III.A.10 ("*Persons of Diverse Sexual Orientations and/or Gender Identities*").

267 Article 102 of the Iraqi Constitution of 15 October 2005 foresees the institution 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. Under article 5 of the Law, the IHCHR is mandated to receive and investigate human rights complaints from individuals, groups and civil society organizations; see: *Constitution of the Republic of Iraq*, 15 October 2005, www.refworld.org/docid/454f50804.html, Article 102. Law No. 53 (2008) is available in Arabic at: https://bit.ly/2zYwkfA. In March 2015, the IHCHR was awarded the "*B*" status by the International Coordinating Committee of National Human Rights Institutions to mark its partial compliance with the Paris Principles, a set of international standards relating to the status of national human rights organizations; Global Alliance of National Human Rights Institutions, *Chart of the Status of National Institution – Accreditation Status as of 26 December 2018*, accessed 30 April 2019, https://bit.ly/2Ti0tOu.

268 "(…) *the institution suffers from a lack of independence and impartiality and rarely addresses issues such as unfair trials, torture, and summary executions* (…)"; Alkarama, *Universal Periodic Review Iraq – Submission to the Stakeholders' Summary*, 28 March 2018, https://bit.ly/2IHhpMH, para. 10. "(…) *none of the families interviewed said they contacted the Iraqi High Commission for Human Rights (IHCHR), the national human rights institution, seemingly because they did not believe the commission could play an effective role in assisting them to find their relatives*"; HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf, p. 8. See also, UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, pp. 20-21; UNAMI, *Report on Human Rights in Iraq: January to June 2017*, 14 December 2017, www.refworld.org/docid/5a746d804.html, pp. *xi*, 22-23; Iraqi Civil Society Solidarity Initiative (ICSSI), *The New Iraqi High Commission for Human Rights Faces Serious Objections from Civil Society*, 29 July 2017, https://bit.ly/2Ev693M. According to IHCHR, as at early February 2019, it has received 7,000 complaints in relation to missing persons from formerly ISIS-held areas; IHCHR, *(1700) Complaints Received by Supreme Committee for Missing Persons*, 4 February 2019, http://bit.ly/2FnH3Sz.

269 Law 20 of 2009 and Law 57 of 2015 stipulate that all Iraqi citizens affected or harmed by military operations and terrorist actions are entitled to financial compensation. For further background, see HLP Sub-Cluster Iraq, *Property Compensation Guidelines Based on Iraqi Law 20, 2009 and Law 57, 2015 (First Amendment),* 20 December 2018, https://bit.ly/2GAwfmx; Center for Civilians in Conflict (CIVIC), *"We Hope, but We Are Hopeless" – Civilians' Perceptions of the Compensation Process in Iraq*, https://bit.ly/2Dhi6ap; MRGI, *Reparations for the Victims of Conflict in Iraq: Lessons Learned from Comparative Practice*, November 2017, www.refworld.org/docid/5a1812b44.html. Observers note that Law No. 20 does not encompass the full range of human rights violations and abuses committed during the most recent conflict. Furthermore, Law No. 20 is solely focused on compensation, without consideration of other forms of reparations; MRGI, *Reparations for the Victims of Conflict in Iraq: Lessons Learned from Comparative Practice*, November 2017, www.refworld.org/docid/5a1812b44.html, pp. 22-23; HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, p. 61. A separate law to compensate Yazidi female survivors of ISIS crimes is under consideration by parliament; see below footnote 547.

270 Protection Cluster, *Advocacy Note on Property Compensation Scheme in Iraq – Challenges and Recommendations*, March 2019, pp. 2-4 [on file with UNHCR]; CIVIC, *"We Hope, but We Are Hopeless" – Civilians' Perceptions of the Compensation Process in Iraq*, 28 November 2018, https://bit.ly/2Dhi6ap, pp. 2-3, 13-19; Al Jazeera, *Iraq Post-ISIL: Anger over Government's 'Unfair' Compensation*, 14 September 2018, https://bit.ly/2p8Lvgg; HRW, *Money Welcome but no Panacea for Iraq's Yezidi Victims*, 8 March 2018, www.refworld.org/docid/5b39f1c7a.html.

271 HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html; CIVIC, *"We Hope, but We Are Hopeless" – Civilians' Perceptions of the Compensation Process in Iraq*, 28 November 2018, https://bit.ly/2Dhi6ap, p. 3; The National, *Iraqis Are Living among a Hidden Arsenal that Could Explode*, 3 July 2018, https://bit.ly/2ShKALv; NRC/DRC/IRC, *The Long Road Home*, 27 February 2018, https://bit.ly/2D3uFZc, p. 16.

272 "*In practice, any perceived affiliation, regardless of the degree, would result in an automatic exclusion from all government services, including compensation*"; Protection Cluster, *Advocacy Note on Property Compensation Scheme in Iraq – Challenges and Recommendations*, March 2019, p. 5 [on file with UNHCR]. See also Section III.A.1.b ("*Families Associated with Real or Perceived ISIS Members*").

b) Availability of State Protection in the KR-I

Power in the KR-I is largely divided between the two dominant parties, the Erbil-based KDP and the Sulaymaniyah-based PUK.[273] 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.[274] Effective governance of the KRG institutions is reported to be further compromised by the prevalence of corruption[275] and nepotism based on family, tribal and party affiliation.[276]

Judicial independence is also reported to be hampered by increasing political interference.[277] The criminal justice system is reported to be weak and does not meet international and domestic legal

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273 "*The two major parties* (…) *can claim control over a region of Kurdistan, an extensive patronage base, businesses, media channels, and peshmerga paramilitary units that report to party leaders*"; Center for American Progress, *Kurdistan's New Moment*, 18 December 2018, https://ampr.gs/2ShCezH. "(…) *despite widespread discontent with Iraqi Kurdistan's most influential political parties, the PUK and the Kurdistan Democratic Party (KDP), Gorran* [the largest opposition party] *is failing to present a lasting challenge to the KDP-PUK duopoly*"; The Washington Institute, *Gorran: A Party of Words, not Deeds*, 29 October 2018, https://bit.ly/2rTINgh. See also, KAS, *Scattered Dreams – The Independence Referendum, the Fall of Kirkuk and the Effect on Kurdish and Iraqi Politics*, 16 April 2018, https://bit.ly/2EzBLVd, p. 81.

274 "*The Peshmerga forces of Iraqi Kurdistan are a complex and multi-faceted security organisation, their loyalty divided between the Iraqi state, the Kurdistan Regional Government (KRG), different political parties and powerful individuals. At different times – and sometimes simultaneously – they can be characterised as national, regional, party and personal forces*"; Clingendael Institute, *Fighting for Kurdistan? Assessing the Nature and Functions of the Peshmerga in Iraq*, March 2018, https://bit.ly/2LssqA5, p. 2. Despite efforts to unify and institutionalize party-affiliated Peshmerga forces under the KRG Ministry of Peshmerga Affairs, parts of the forces continue to operate outside the KRG's control: "*Despite the positive steps made to decrease the influence of party politics, they continue to play a decisive role in the Peshmerga's organisation. The command structure of the Ministry of Peshmerga Affairs' integrated brigades remains structured according to party affiliation as each brigade is equipped with a commander from one party and a deputy from the other. In addition, the majority of Peshmerga forces has not yet been institutionalised. There are around 100,000 Peshmerga fighters outside the Ministry's 14 brigades, divided roughly equally between the PUK (the 70s Force) and the KDP (the 80s Force). Both parties' Peshmerga forces maintain their own organisational and financial structures, and are geographically confined to their party's traditional sphere of influence. Moreover, the KDP and PUK have retained their own security, intelligence and counter-terrorism forces, whose politicisation is even further entrenched. They are not just divided along party lines, but also by personal loyalties to powerful individuals from the ruling Barzani and Talabani families*"; *ibid*., p. 16. See also, Fanack, *Can Iraqi Kurdistan Survive Itself?*, 10 September 2018, https://bit.ly/2rN2vtX; Al-Monitor, *Politicized Peshmerga Adds to Iraqi Kurdistan Destabilization*, 30 May 2018, https://bit.ly/2FbQ97i; GPPi, *Iraq After ISIL – Sub-State Actors, Local Forces, and the Micro-Politics of Control*, March 2018, https://bit.ly/2EMLqtt, pp. 23-24; Niqash, *Reality Versus the Rules – Kurdish Parties Bend Iraq's Electoral Rules on Politics with Guns*, 8 February 2018, https://bit.ly/2VCoT79; Friedrich Ebert Foundation, *Reforming the Civil-Military Relationship in Kurdistan (Peshmerga*), September 2017, https://bit.ly/2BwwXNb.

275 "*Building cases* [against officials accused of corruption] *and moving them through the court system has been slow because of lack of staff and resources*"; Rudaw, *KRG's Corruption Probe Slowed by Lack of Staff, Resources: Commission*, 16 April 2019, https://bit.ly/2IVC9Qa. "*Iraqi Kurds have stomached massive corruption (billions of dollars are missing in oil revenue) and nepotism (Barzani and Talabani family members and their cronies fill every major post) since 2003* (…)"; CEIP, *Kurdistan Politics at a Crossroads*, 26 April 2018, https://bit.ly/2DX7245. See also, Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html; Foreign Policy Research Institute, *Systemic Crisis in the Kurdistan Region of Iraq*, 8 January 2018, https://bit.ly/2QIAqmr. See also above footnote 261.

276 The political elites are reported to dominate key security and administrative positions as well as businesses in the KR-I: "*The two political parties have monopolised the public sector, the Peshmerga and Security forces, as well as the economy, they have succeeded in controlling the larger part of society through clientelism*"; Open Political Science, *The Roots of Clientelism in Iraqi Kurdistan and the Efforts to Fight It*, 28 August 2018, https://bit.ly/2FdzBvM, p. 1. "(…) *the KDP and PUK maintain and benefit from their historic, core, loyal bases sustained through extensive patronage networks, as well as traditional, steadfast tribal and familial connections*"; LSE, *The 2018 Iraqi Federal Elections: A Population in Transition?*, LSE Middle East Centre Report, July 2018, https://bit.ly/2A2gErJ, p. 17. See also, MENA Watch (in German), *There Is no Business like Family Business*, 5 December 2018, https://bit.ly/2BwmykB; Los Angeles Times, *In Iraqi Kurdistan, Hereditary Politics Come Full Circle*, 4 December 2018, http://ati.ms/axVMOA; Al Jazeera, *Anger Is Simmering Among Iraq's Kurdish Youth*, 12 November 2018, http://aje.io/sz74u; Open Democracy, *Corruption Corrodes Kurdish Education*, 15 October 2018, https://bit.ly/2sHVgUF; ICG, *Iraqi Kurdistan's Regional Elections Test a Brittle Status Quo*, 28 September 2018, https://bit.ly/2xY7hHx; Fanack, *Can Iraqi Kurdistan Survive Itself?*, 10 September 2018, https://bit.ly/2rN2vtX; Atlantic Council, *Beyond Security: Stabilization, Governance, and Socioeconomic Challenges in Iraq*, July 2018, https://bit.ly/2rM4P4v, p. 3.

277 "*Last November* [2018]*, one of the Kurdistan Region's few remaining judges seen as independent announced his resignation as a member of the regional judicial council. Judge Latif Sheikh Mustafa was protesting the intervention of the region's two main political parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), in the judiciary as well as the failure of the judiciary to act as an independent institution. Mustafa's resignation comes after four other resignations of senior judges for similar reasons in the past four years*"; The Tahrir Institute for Middle East Policy, *Judiciary in Kurdistan Region in Peril*, 11 January 2019, https://bit.ly/2Fqa7ey. "*The Kurdistan region also lacks an independent judiciary. In a survey conducted*

obligations in relation to arrest, detention and fair trial standards.[278] According to reports, perpetrators affiliated with the political or security elite in the KR-I often enjoy impunity for their crimes.[279]

According to reports, KRG courts have not convicted Kurdish forces for any human rights violations or violations of human rights law or IHL.[280]

F. Humanitarian Situation

While the humanitarian situation has stabilized since the end of major military operations against ISIS at the end of 2017,[281] humanitarian needs remain high,[282] with an estimated 6.7 million people, or 18 per cent of the population, requiring some form of humanitarian assistance and protection[283] in 2019, including IDPs,[284] returnees, refugees[285] and vulnerable host communities.[286] Persons perceived to be

by the Democracy and Human Right [sic] Development Center (DHRD), among 300 people in the Kurdistan Region, 50% thought that the independence of the judiciary in Kurdistan is questionable, while 40% believe that its independence is at a medium level. The Ministry of Justice has a reputation for being an instrument of the ruling political parties to try political opposition"; Foreign Policy Research Institute, *Systemic Crisis in the Kurdistan Region of Iraq*, 8 January 2018, https://bit.ly/2QIAqmr. See also, NRT, *Senior Judge Resigns as Member of Kurdistan Region's Judicial Council*, 10 November 2018, https://bit.ly/2AifCIn; Niqash, *Courting Danger: Iraqi Lawyers Get Death Threats but Won't Go to Police*, 10 January 2018, https://bit.ly/2U9s6tM; Bertelsmann Foundation, *BTI 2018 Country Report – Iraq*, 2018, www.ecoi.net/en/file/local/1427413/488298_en.pdf, p. 12; Open Democracy, *Do the People of Kurdistan Live in Security?*, 30 January 2017, https://bit.ly/2PfOwWB.

278 See Section II.D.1.b ("*Human Rights Violations by the Kurdish Authorities*").

279 "*Another barrier for the implementation of the existing legislation is the protection given by the ruling parties to some perpetrators. In cases where the killer is acquitted due to the lack of evidence, the killer was often helped by the ruling parties. The political parties will not only protect their own members, but also influential people, and people who are affiliated with the party.* (…) [An academic source] *added that if a person gets into a conflict with the security police or the ruling parties, rule of law would not apply. Only a few judges can rule objectively, free of political concerns*"; DIS, *Kurdistan Region of Iraq (KRI): Women and Men in Honour-Related Conflicts*, 9 November 2018, www.refworld.org/docid/5beacadd4.html, pp. 15-16. See also, Ekurd, *Human Rights Situation in Iraqi Kurdistan is 'Getting Worse': Official*, 10 December 2018, https://bit.ly/2UWVpAt; Foreign Policy Research Institute, *Systemic Crisis in the Kurdistan Region of Iraq*, 8 January 2018, https://bit.ly/2QIAqmr; Ekurd, *Iraqi Kurdistan Authorities Don't Believe in Rule of Law, Judge Says*, 1 May 2017, https://bit.ly/2R892xr; Open Democracy, *Do the People of Kurdistan Live in Security?*, 30 January 2017, https://bit.ly/2PfOwWB.

280 HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, pp. 11, 69.

281 OCHA, *Iraq: 2018 Humanitarian Response Plan (February 2018)*, 21 March 2018, https://bit.ly/2Jiwv7P, p. 1.

282 UNSC, *Implementation of Resolution 2367 (2017) – Report of the Secretary-General*, S/2018/677, 9 July 2018, https://bit.ly/2vstDzS, para. 50.

283 *"Protection remains the overarching humanitarian priority in Iraq in 2019 and is at the core of humanitarian response. There are multiple pressing protection concerns, including retaliation against people with perceived affiliations to extremist groups; forced, premature, uninformed and obstructed returns; a lack of civil documentation; severe movement restrictions in camps; arbitrary detention, IDPs and returnees who require specialized psychosocial support; extensive explosive hazard contamination and housing, land and property issues"*; OCHA, HRP 2019, 26 February 2019, https://bit.ly/2TyIbMb, p. 7.

284 *"The prolonged nature of their displacement has led to increased vulnerabilities among IDPs; in 11 districts, displaced persons are facing a very high severity of needs.* (…) *Emergency coping strategies are being employed by many vulnerable groups, particularly out-of-camp IDPs"*; OCHA, HRP 2019, 26 February 2019, https://bit.ly/2TyIbMb, pp. 6-7.

285 Some 250,000 Syrian refugees remain in the KR-I and require continuing assistance; UNHCR, *Syria Regional Refugee Response – Iraq*, updated 31 March 2019, https://data2.unhcr.org/en/situations/syria/location/5.

286 The estimated total number of people in need has decreased from 8.7 million in 2018 to 6.7 million in 2019. Humanitarian actors aim at reaching 1.75 million people with some form of humanitarian assistance in 2019; OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb.

affiliated with ISIS are reported to be among the most vulnerable,[287] along with women,[288] children,[289] people with disabilities[290] and the elderly.[291]

The majority of those in need of humanitarian assistance are living in areas that have been most affected by conflict or are hosting a sizable displaced population, mainly in Ninewa, Al-Anbar, Salah Al-Din, Kirkuk and Diyala Governorates, as well as in the KR-I.[292] Efforts to rebuild destroyed and damaged infrastructure, restore basic services, and to clear explosive hazards[293] and rubble in areas formerly held by ISIS have begun. However, it is estimated that reconstruction will take *"at least 10 years and cost well over $88 billion"*.[294] The slow reconstruction and rehabilitation of key infrastructure and

287 "*Women and children whose fathers, husbands, sons, brothers or even more distant family members are accused of being members ISIL-affiliated can face grave consequences, and are often subject to discriminatory practices in the provision of and access to humanitarian assistance. Within camps, they can be isolated and segregated, subjected to movement restrictions, denied access to humanitarian aid, and victimized by sexual violence and exploitation. For women and children with perceived affiliations who live outside of camps, these negative impacts are compounded dramatically*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 22. See also Section III.A.1.b ("*Families Associated with Real or Perceived ISIS Members*").

288 "*An estimated 13 per cent of all IDP and returnee households are headed by females and they are at heightened risk of gender-based violence*"; OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, p. 9. See also Section III.A.8.b ("*Sexual Violence*").

289 "*Ninewa, Kirkuk, Salah al-Din and Anbar governorates show the highest number of conflict-affected children at risk*"; OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, p. 9. See also, OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 16.

290 "*In seven districts, between 22 - 34 per cent of families are led by heads of household with disability that affects their ability to perform daily living activities*"; OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, p. 9. "*Although the 2013 Law for the Care of Persons with Disabilities and Special Needs and 2014 Social Protection Act provide cash transfer benefits and specialized services to people with disabilities, the process of claiming benefits requires several documents which many IDPs do not possess. Moreover, disabled women and girls are not entitled to social security payments if they are married or if their father is alive. Conditions in IDP camps are particularly challenging for persons with disabilities. According to the Iraqi Association of Disabilities Organizations, some of the main challenges faced by IDPs with disabilities are lack of documentation, the absence of specialized medical and recreational services, and the long distance of educational facilities from the camps, leading many disabled children to drop out of school*"; MRGI, *Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) – Review of the Periodic Report of Iraq*, 2018, http://bit.ly/2VKsoYo, para. 25. See also, OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 31; Special Olympics, *Iraq's 'Special Athletes' Go for Gold*, 29 August 2018, http://po.st/sGLR0O; Handicap International, *Disability in Humanitarian Context: A Case Study from Iraq*, March 2018, http://bit.ly/2YlHWnf; CEIP, *A Struggle to Care for Iraq's Disabled*, 20 December 2017, http://bit.ly/2COp0C9; The Arab Weekly, *Invisible Citizens: Living with Disability in Iraq*, 2 April 2017, https://bit.ly/2x8tnrn; UNAMI/OHCHR, *Report on the Rights of Persons with Disabilities in Iraq, December 2016*, 26 January 2017, https://bit.ly/2KY3lPA, pp. 7-11. Segments of society reportedly consider disabilities a punishment from God for sins committed against God's will; Caritas International (in German), *Irak: Für die Integration von Menschen mit Behinderungen*, July 2016, https://bit.ly/2Nb5ERs; International Journal of Mental Health Systems, *Public Perception of Mental Health in Iraq*, Vol. 4, Article 26, 2010, https://bit.ly/2MnTqQ8.

291 OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, p. 10; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 16.

292 "(…) *people in governorates impacted directly by recent military operations – including Anbar, Ninewa, Kirkuk and Salah al-Din – remain the focus of humanitarian assistance* (…). *Pockets of high or very high concentration of needs are additionally found within the Kurdistan Region (Erbil, Dahuk, and Sulaymaniyah governorates) but also in Diyala, Baghdad and the southern part of the country*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 19. See also map "*Severity of Need*" on p. 20 of the same report.

293 UN News, *Mosul's '3D Contamination' Adds to Challenges of Deadly Mine Clearance Work*, 7 February 2019, https://bit.ly/2UHPv5g.

294 "*At the International Conference for the Reconstruction of Iraq, which took place in Kuwait in February 2018, US$30 billion worth of commitments were made, mostly in the form of loans and guarantees. Thus far, not all these commitments have materialized, which will impact reconstruction efforts. Stabilization efforts have also been delayed due to political uncertainty regarding government formation following elections in both federal Iraq and the Kurdistan Region of Iraq in 2018*"; OCHA, *Iraq: 2018 Humanitarian Response Plan (February 2018)*, 21 March 2018, https://bit.ly/2Jiwv7P, p. 13. At the time of writing, limited progress has reportedly been made to fulfil the pledges made in Kuwait in February 2018; Musings on Iraq, *Iraq Has No Reconstruction Plan for War Torn Areas*, 20 March 2019, https://bit.ly/2PyAVeX; The Arab Weekly, *A Year after Kuwait Conference, Iraq is no Closer to Reconstruction*, 17 February 2019, https://bit.ly/2GIn6b6; AP, *Plunge in Oil Prices Threatens Iraq's Postwar Recovery*, 1 January 2019, https://bit.ly/2Mwhvpw; Sky News, *How Is the Reconstruction of Iraq Going?*, 31 January 2019, https://bit.ly/2Tpef1I; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2IhQOIr, pp. *iv*, *vi*, 122. According to observers, Iraq's 2019 budget does not include adequate spending for reconstruction; CNBC, *Iraq's Massive 2019 Budget still Fails to Address Reform Needs, Experts Say*, 30 January 2019, https://cnb.cx/2WuLKSo.

services as well as the widespread contamination with unexploded ordnance[295] are reported to be major impediments to returns.[296] Public anger over unemployment, corruption and the deterioration of public services, particularly electricity, has triggered waves of protests in Baghdad and southern Iraq in 2018.[297]

While overall humanitarian access has improved following the end of major military operations at the end of 2017, humanitarian actors report significant constraints on the timely delivery of humanitarian assistance.[298] Access to humanitarian assistance has been particularly challenging for IDPs outside of camp settings.[299]

The civilian and humanitarian character of IDP camps is reported to be compromised by the presence of armed actors, particularly members of government-affiliated armed groups, resulting in instances of arbitrary arrest, harassment and physical violence against IDPs and humanitarian actors, sexual exploitation and abuse, as well as denial of humanitarian assistance.[300]

As a result of conflict, displacement and confiscation of documents, many IDPs and returnees do not hold critical documentation, restricting access to basic services, limiting freedom of movement, and increasing the risk of arbitrary arrest.[301] Persons associated with actual or perceived ISIS members are denied civil documentation on account of their imputed political opinion.[302] In 2019, an estimated 2.1 million children may be at serious risk of not being able to access essential services due to lack of civil documentation.[303]

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295 *"The scale, scope and complexity of the explosive contamination in Iraq's liberated areas is significant, and exceeds existing and available national explosive hazard management capacities. Improvised explosive devices (IEDs) in Iraq is unprecedented, occurring in both urban and rural environments, cleverly concealed with the intention to maim and kill not restricted to combatants in a conflict. Security forces and civilians alike continue to suffer heavy losses as a result of the widespread use of these devices*"; United Nations Mine Action Service (UNMAS*), A Snapshot of Clearance – Progress Made in 2018 and Moving On*, accessed 30 April 2019, https://bit.ly/2PjBiZs. "*Civilians – particularly men and boys – remain at grave risk due to limited understanding of explosive hazard risks, while access to victim assistance remains uneven across Iraq*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 29.

296 See Section II. C ("*Forced Displacement and Returns*").

297 Al Jazeera, *Electricity Cuts Across Iraq Make Life Unbearable in Summer Heat*, 31 July 2018, http://aje.io/z2fqm; France 24, *No Water or Electricity: Why Southern Iraqis Are at a Breaking Point*, 24 July 2018, http://f24.my/3KDO.T.

298 "*Access to certain areas remains difficult, particularly Hawiga district in Kirkuk, certain districts in Salah al-Din and Diyala, western Ninewa, and west Anbar*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 30. OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, pp. 26-27, 29; Mercy Corps, *Iraq Facing "Aid Deserts" as Areas Could Become No-Go Zones for Humanitarians*, 26 February 2019, https://bit.ly/2TxKtvi; UNSC, *Implementation of Resolution 2421 (2018)*, 1 February 2019, https://bit.ly/2H5licP, para. 68; OCHA, *Iraq: Humanitarian Bulletin, October 2018*, 20 November 2018, https://bit.ly/2D3Jaek, p. 2.

299 "*The majority of the humanitarian response to date has focused on serving people displaced in camps, although this population accounts for only 29 per cent of the IDP population overall.* (…) *Expanding assistance to out-of-camp population, particularly in 20 prioritized districts with the highest density of displaced people, is a priority for 2019*"; OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, pp. 9, 27. "*It is estimated that aid reaches only 10 per cent of the remaining 1.5 million who live outside of camps*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 22.

300 OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, pp. 30-31. "*IDPs said they are reluctant to report these incidents as they fear they might be forced to leave the camps*"; OCHA, *Iraq: Humanitarian Bulletin, October 2018*, 20 November 2018, https://bit.ly/2D3Jaek, p. 2. See also, Section III.A.1.b ("*Families Associated with Real or Perceived ISIS Members*") and Section III.A.7 ("*Humanitarian Workers*").

301 "*A significant number of IDPs reported facing restrictions on their freedom of movement due to the lack of civil documentation. Security concerns and the high travel cost are frequently cited factors preventing IDPs from returning to their areas of origin to obtain or renew documentation*"; UNHCR, *Iraq Protection Update – January 2019*, 31 January 2019, https://bit.ly/2L1EYld, p. 1 "*Across Iraq, 8 per cent of out-of-camp IDP households, 10 per cent of camp-based IDP households, 8 per cent of returnee household and 6 per cent of remainee households reported missing documentation, without which they are unable to exercise basic civil rights*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 31. See also, Al Jazeera, *Iraq's Undocumented Children: 45,000 IDPs Denied Basic Rights*, 30 April 2019, https://aje.io/mchvn; MRGI, *Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) – Review of the Periodic Report of Iraq*, 2018, http://bit.ly/2VKsoYo, para. 19; UNHCR, *Iraq Protection Update – November 2018*, 30 November 2018, https://bit.ly/2FbJbiR, p. 1; NRC/IDMC, *Nowhere to Return to*, 1 November 2018, www.refworld.org/docid/5beb01d74.html, p. 29.

302 See Section III.A.1.b ("*Families Associated with Real or Perceived ISIS Members*").

303 OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 9. See also, AP, *Iraqi Women, Children Bear the Burden of ISIS Legacy*, 24 April 2019, https://bit.ly/2vkAOdS. On the impact of children not

1) Shelter

Iraq's chronic housing shortage[304] is reported to have been exacerbated by years of conflict and the resulting massive destruction of housing.[305] Those with fewer resources are often forced to occupy sub-standard and overcrowded living quarters with no or little access to basic services and without any security of tenure or protection from eviction.[306] It is estimated that more than 3.3 million people, or 13 per cent of the population, live in informal settlements, mainly in Baghdad and Basrah Governorates.[307]

The majority (61 per cent) of IDPs are reported to live in private settings either in rented apartments or with host families, while 31 per cent are hosted in camps,[308] and eight per cent live in so-called "critical shelters" such as unfinished or abandoned buildings, schools, religious buildings, and informal settlements.[309] In areas of displacement and return, rents have increased due to heightened demand, resulting in the renewed displacement of those that cannot afford the costs.[310] Inadequate housing

having documentation, including on account of their association with actual or perceived ISIS members, see Section III.A.9 ("*Children with Certain Profiles or in Specific Circumstances*").

304 "(…) *since the middle of the 1980s, Iraq has suffered from instability and wars, which has led to a continued deterioration in its housing sector (UN-Habitat, 2003). Currently, there is low housing production and housing shortage of around 1-1.5 million housing units, which is equally in its number to around one-quarter of the country's total housing stock*"; Omar Al-Hafith, Satish B.K., Simon Bradbury, Pieter de Wilde, *A Systematic Assessment of Architectural Approaches for Solving the Housing Problem in Iraq*, 6 October 2018, https://bit.ly/2O6RVqv.

305 The Iraqi Government estimates that over 138,000 residential buildings were impacted by the conflict, with half of them destroyed beyond repair, affecting at least 400,000 people. The recovery and reconstruction of the housing sector in the seven governorates affected by conflict, i.e. Al-Anbar, Babel, Diyala, Kirkuk, Ninewa, Salah Al-Din, and Baghdad, is estimated to require over USD 17.4 billion; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, pp. *iv*, *vi*, *xv*. See also, UN Habitat, *Housing Damage and Rehabilitation Database (September 2018)*, 1 September 2018, https://bit.ly/2EPqQse, p. 1.

306 OCHA, *Humanitarian Bulletin Iraq – May 2018*, 11 June 2018, https://bit.ly/2SCrsV8, pp. 2-3; Global Protection Cluster, *Strategy of the Iraq Housing, Land and Property Rights (HLP) Sub-Cluster*, September 2016, https://bit.ly/2P1FT79, p. 1.

307 UN Habitat/UNICEF, *Iraq: Key Facts (February 2018)*, https://bit.ly/2NNiNM3, p. 4. "*The ministry's* [Ministry of Planning] *data indicated that there were 3,687 slum communities in 12 governorates. With a population of 8 million, Baghdad leads the list with 1,000 slums, followed by the province of Basra (about 3 million inhabitants) with 700 slums. The provinces of Najaf and Karbala close the list with 89 slum areas*"; The Arab Weekly, *The Slums of Mesopotamia*, 18 December 2018, https://shar.es/aaTYXn. "(…) *the informal housing has been growing in the country; in Baghdad, between 2004 and 2010, the number of informally constructed units, around 24,000 units, exceeded the number of the formally constructed ones, which was around 22,000 units* (…). *A similar situation can be seen in other cities such as Basrah*"; Omar Al-Hafith, Satish B.K., Simon Bradbury, Pieter de Wilde, *A Systematic Assessment of Architectural Approaches for Solving the Housing Problem in Iraq*, 6 October 2018, https://bit.ly/2O6RVqv. See also, AFP, *In Iraq's Oil-Rich Basra, Shanty Towns Flourish*, 19 April 2018, https://bit.ly/2EJnFm1; Iraqi News*, Iraq: Annual Inflation Down 0.8%, Slums Host 13% of Population*, 20 March 2018, https://bit.ly/2EMBiRq; UN Habitat, *New Research Finds 3.2 Million Iraqis Living in Informal Settlements*, 19 September 2017, www.ecoi.net/en/document/1410292.html.

308 Ninewa and Dohuk Governorates are hosting the largest number of IDPs in camp with nearly half of all IDPs living in camps. For a map of IDP camps, see OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 12.

309 There are significant variations between governorates. Living in critical shelters was more frequently reported in Qadissiyah (37%), Salah Al-Din (27%), Kerbala (24%), Wassit (18%), Dohuk (14%) and Al-Anbar Governorates (14%) compared to the national average (8%); IOM, *DTM Round 108 – February 2019*, 20 March 2019, http://bit.ly/2Jv0MF7, p. 4. In Dohuk Governorate, some 25,000 IDPs live in 115 informal settlements. This is the highest number of informal settlements in any part of Iraq; OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, p. 34. See also, UNHCR, *UNHCR Iraq Factsheet – November 2018*, 29 November 2018, https://bit.ly/2rz8BOp, p. 2.

310 "*In areas of displacement, especially the northern governorates which host a large proportion of IDPs, rent prices are increasing, making more likely the risk of additional displacement to critical sub-standard shelters*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 42. "*Rent prices are not controlled* [in the KR-I] *and, with the influx of IDPs, house prices have risen*"; WFP/UNHCR, *Joint Vulnerability Assessment June 2018*, 2 August 2018, https://bit.ly/2DyL1dn, p. 37. "*A third of the displaced Mosul residents have told NRC that they may have face eviction from where they are sheltering because they cannot afford the rent*"; NRC, *Mosul still a Pile of Rubble One Year on*, 5 July 2018, https://bit.ly/2IWO4cP. "*Most IDP families reaching camps continued to cite as the primary reasons behind their displacement a lack of shelter options due to damage or destruction of their houses and/or high rent prices* (…)"; UNHCR, *Iraq: Bi-Weekly Protection Update (5 - 16 April 2018)*, 16 April 2018, https://bit.ly/2z9NYvD, p. 2. See also, World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. 2; Niqash, *Another Sort of Killing: Mosul Real Estate Crisis Sees Rents Go Sky High*, 5 July 2017, https://bit.ly/2zrrpmr.

conditions reportedly remain a critical concern for many IDPs outside of camps.[311] IDPs, particularly those living in informal settlements, are vulnerable to forced evictions by local authorities or private property owners.[312] As camps were built and are managed by different actors, standards of accommodation vary greatly, ranging from upgraded shelters (e.g. caravans and residential housing units) to emergency shelters (tents with or without cement base).[313] IDPs living in camps and informal settlements are particularly exposed to extreme weather conditions.[314] The closure of IDP camps has resulted in the premature and, at times, forcible returns of IDPs to their areas of origin and/or secondary displacement.[315]

The vast majority of IDP returnees are reported to have returned to a former residence that is in good condition. Others however are living with host families or in rented accommodation while 130,000 returnees are living in critical shelters.[316] Damaged and destroyed housing as well as unresolved HLP issues are reportedly a major impediment to the return of IDPs.[317]

2) Livelihoods

Years of conflict and the decline in oil prices have reportedly led to a rapid increase in poverty,[318] particularly in conflict-affected areas and in areas hosting large numbers of IDPs.[319] Despite an

311 UNHCR, *Iraq Protection Update – August 2018*, 31 August 2018, https://bit.ly/2SbVyP2, p. 1; IOM, *Integrated Location Assessment II - Part I Thematic Overview*, October 2017, https://bit.ly/2JkaVAI, pp. 29-30; Protection Cluster Iraq, *Emergency Response to Housing, Land and Property Issues in Iraq*, 2016, https://bit.ly/2yymmks, p. 2.

312 OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 30. "*The majority of IDPs residing in rented accommodation lack written lease agreements and thereby face a heightened risk of evictions. IDPs face difficulties in restoring lost civil documentation which is required to enter into lease agreements and familiarity with lease agreements and acceptance of them is low. Women are rarely parties to lease agreements in Iraq, which leaves them particularly vulnerable to evictions*"; Protection Cluster Iraq, *Emergency Response to Housing, Land and Property Issues in Iraq*, 2016, https://bit.ly/2yymmks, p. 2. See also, Rudaw, *Christian IDPs Sheltering above Erbil Bazaar Threatened with Eviction*, 5 March 2019, https://bit.ly/2H8KSyz; REACH, *Multi-Cluster Needs Assessment (MCNA) – In-Camp IDPs*, September 2018, https://bit.ly/2CWipsP, p. 2; UNHCR, *Iraq – Monthly Protection Update (28 May-1 July)*, 1 July 2018, https://bit.ly/2RUjvtY; UNHCR, *Iraq Protection Cluster: Salah al-Din Returnees Profile – March 2018*, 31 March 2018, https://bit.ly/2D4M2cd, p. 2; IOM, *Integrated Location Assessment II – Part I Thematic Overview*, October 2017, https://bit.ly/2JkaVAI, p. 35.

313 More than 20,000 households are estimated to be in need of tent replacement and are exposed to harsh climatic conditions. Furthermore, "[I]*n many of these camps, overall minimum service standards have not significantly improved from the initial emergency phase due to lack of investment and upgrades. The large caseload, protracted nature of displacement, and age of the camps (some camps are over four years old, particularly in Dahuk), are also contributing factors*"; OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, pp. 8, 17. Fifty per cent of in-camp IDP households surveyed were found to be in need of shelter assistance; REACH, *Multi-Cluster Needs Assessment (MCNA) – In-Camp IDPs*, September 2018, https://bit.ly/2CWipsP, p. 4. See also, Foreign Policy, *Among Displaced Iraqis, One Group Is Worse Off than the Rest*, 29 April 2019, https://bit.ly/2J7jiBW; The New Humanitarian, *As Displacement Runs to Years, Northern Iraq Camps Need an Overhaul*, 25 February 2019, https://bit.ly/2Xpg1SY; WFP/UNHCR, *Joint Vulnerability Assessment June 2018*, 2 August 2018, https://bit.ly/2DyL1dn, p. 48.

314 The New Humanitarian, *As Displacement Runs to Years, Northern Iraq Camps Need an Overhaul*, 25 February 2019, https://bit.ly/2Xpg1SY; UNICEF, *Latest Threat to Displaced Children in Iraq: Winter*, 10 December 2018, https://uni.cf/2Roc6BK; Kurdistan 24, *Latest Floods in Kurdistan Kill Teen, Damage IDP Camp, Close Roads*, 7 December 2018, https://bit.ly/2TlVkVL; Rudaw, *Flooding Ruins Yezidi IDP Camp, Kills Villagers in Northern Iraq*, 23 November 2018, https://bit.ly/2HEbR5T; OCHA, *Iraq: Floods Leave Hundreds of Families Strained in Sinjar Mountain*, 23 May 2018, https://bit.ly/2DJlD2U; IOM, *Soaring Temperatures Next Challenge for Mosul Displaced: IOM*, May 2017, https://bit.ly/2qqzZPo.

315 See Section II.D.3.b ("*Forced and Premature Returns*").

316 In Baghdad and Diyala Governorates, as many as 10 and 12 per cent of returnees, respectively, are reported to be living in critical shelters. In absolute numbers, of those living in critical shelters, 85 per cent are in three governorates: 41 per cent in Ninewa, 24 per cent in Salah Al-Din and 20 per cent in Diyala Governorate. In some locations, more than 70 per cent of returnees are living in critical shelters; IOM, *DTM Round 108 – February 2019*, 20 March 2019, http://bit.ly/2Jv0MF7, p. 4.

317 See Section II.D.3.a ("*Obstacles to Return*").

318 "*Starting in 2014, Iraq suffered a series of shocks, including the war against the Islamic State of Iraq and Levant (ISIL) – which used to control one third of Iraq's territory – the internal displacement of millions of people, a sharp decrease in oil prices and, more recently, the challenges associated with the return of refugees and internally displaced people to areas liberated from ISIL occupation. As a result, living conditions in Iraq have deteriorated, and a large proportion of the population has fallen into poverty*"; UNDP, *Policy in Focus – Social Protection: Meeting Children's Rights and Needs*, Vol. 15 (3), December 2018, https://bit.ly/2D0uxIE, p. 16.

319 While in 2012 the national poverty rate stood at 18.9 per cent, it reportedly rose to 22.5 per cent in 2014, meaning that an additional three million Iraqis were pushed into poverty. In areas most affected by conflict, the poverty rate exceeded 40 per cent

improved economic outlook following the end of major military engagements, the poverty rate in conflict-affected areas has reportedly not come down.[320] For many households, employment does not offer a pathway out of poverty.[321] Children are reported to comprise the largest share of people living in poverty.[322]

The 2014-2017 conflict is reported to have reversed a decline in unemployment.[323] Unemployment is particularly high among women[324] and youth.[325] Recruitment in the public sector is dominated by nepotism and cronyism along family, tribal, ethno-sectarian, and political lines.[326]

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and in the KR-I, it increased from 3.5 per cent to 12.5 per cent as a result of the large influx of 1.4 million IDPs and over 240,000 refugees from Syria; World Bank, *Iraq Economic Monitor: From War to Reconstruction and Economic Recovery,* Spring 2018, https://bit.ly/2mPDR9l, p. *x*. See also, Rudaw, *22 Percent of Iraqis Live in* Poverty, 23 October 2018, https://bit.ly/2z1Au4U; Al Jazeera, *Ramadan in Post-ISIL Iraq: 'For Us It's only Hunger and Poverty*', 24 May 2018, https://bit.ly/2KSogQo.

320 OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 13. "*Monetary poverty rate is expected to decline from the 2014 level (22.5 percent) on the back of recent economic growth and improvement in the security situation but will remain unevenly distributed across the country. The standard of living in the conflict-affected areas is possibly still below the 2014 level because of disruptions in the labor market and general economic activity. IDPs have also likely experienced severe welfare loss through loss of jobs and livelihoods*"; World Bank, *The World Bank in Iraq – Overview*, last updated 1 April 2019, www.worldbank.org/en/country/iraq/overview.

321 Already before the recent conflict, "[J]*obs were not providing a pathway out of poverty as 70 percent of the poor are in households with employed heads*"; World Bank, I*raq Economic Monitor: From War to Reconstruction and Economic Recovery with a Special Focus on Energy Subsidy Reform*, Spring 2018, https://bit.ly/2mPDR9l, pp. *x*, 10. See also, OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, pp. 8, 61; Rudaw, *Sadr City Epicenter of Poverty in Iraq's Capital*, 27 April 2018, https://bit.ly/2QgEmq3; Xinhua, *Feature: War, Poverty in Iraq Lead to Sharp Rise in Number of Elderly Laborers*, 15 February 2018. https://bit.ly/2SE2oNk.

322 UNDP, *Policy in Focus – Social Protection: Meeting Children's Rights and Needs*, Vol. 15 (3), December 2018, https://bit.ly/2D0uxIE, pp. 16-17. "*A majority of poor children are not receiving any form of government assistance*"; UNICEF, *Deep Inequality Continues to Shape the Lives of Children in Iraq*, 19 November 2018, https://uni.cf/2RN8Ggk. In the southern governorates, "*where the poverty rate is above 30 per cent,* (…) *the prevalence of child poverty is 50 per cent*"; OCHA*, Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 10. See also below "*Education*".

323 "*The unemployment rate, which was falling before the arrival of ISIL, has climbed back to 2012 levels. Almost a quarter of the working-age population is underutilized, i.e., they are either unemployed or underemployed*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 13. The World Bank estimated that the conflict resulted in the loss of 800,000 jobs and that the unemployment rate may have reached 15 percent in 2017; World Bank, *Iraq Economic Monitor: From War to Reconstruction and Economic Recovery with a Special Focus on Energy Subsidy Reform*, Spring 2018, https://bit.ly/2mPDR9l, pp. *x*, 10. See also, United Nations Population Fund (UNFPA)/IOM, *Demographic Survey: Kurdistan Region of Iraq*, 13 September 2018, https://bit.ly/2NXvPeV, pp. 4, 38-43.

324 Female labour force participation is reported to be below the already low rates of female labour force participation in the Middle East and North Africa. Unemployment is particularly high among young women: "*In 2017, about 56 percent of young females were unemployed compared to 29 percent for young males*"; World Bank, *Iraq Economic Monitor: From War to Reconstruction and Economic Recovery with a Special Focus on Energy Subsidy Reform*, Spring 2018, https://bit.ly/2mPDR9l, p. 10. In the KR-I, "*women in the work force represent barely 15% of the women of working age – for a male working share of 70%*"; UNFPA/IOM, *Demographic Survey: Kurdistan Region of Iraq*, 13 September 2018, https://bit.ly/2NXvPeV, p. 38. See also, NRC, *East Mosul, Iraq Labor Market Assessment*, September 2017, https://bit.ly/2Jy6VwD, p. 15.

325 "*Youths are underrepresented in government jobs, and limited growth of the private sector has not generated significant employment opportunities, especially for young Iraqis. From 2005 to 2014, Iraq's youth unemployment (ages 15–24) never dropped below 32 percent, despite economic growth that averaged over 6 percent during that period, with youth employment estimated to have increased over 33 percent since then*"; World Bank, *Iraq Economic Monitor: From War to Reconstruction and Economic Recovery with a Special Focus on Energy Subsidy Reform*, Spring 2018, https://bit.ly/2mPDR9l, p. 10. See also, Kurdistan 24, *New Kurdistan Survey Shows High Youth Unemployment, Low Income*, 13 September 2018, https://bit.ly/2HoppAL; Financial Post, *Soaring Unemployment Fuels Protests in Southern Iraq*, 26 July 2018, https://bit.ly/2zmK8zu; Rudaw, *Youth Unemployment a Major Challenge for Iraq's Next Government*, 16 May 2018, https://bit.ly/2L8H9zC.

326 "*The efficiency of government institutions, as well as public administration, suffers from a distribution of positions according to ethnosectarian lines, which inhibits meritocratic job allocation.* (…) *clientelism and ethnosectarian considerations hamper the development of a meritocratic culture in the state's administration. While some institutions have introduced competitive recruitment procedures, both recruitment and dismissals have been generally politically motivated*"; Bertelsmann Foundation*, BTI 2018 Country Report – Iraq*, 2018, www.ecoi.net/en/file/local/1427413/488298_en.pdf, pp. 14, 30. "*For minorities living in the KRI or areas under the de-facto control of the Kurdish authorities, access to public sector jobs is often conditioned on support for the aims of the major Kurdish political parties*"; MRGI, *Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) – Review of the Periodic Report of Iraq*, 2018, http://bit.ly/2VKsoYo, para. 18. See also, ICG, *A New Generation of Activists Circumvents Iraq's Political Paralysis*, 5 March 2019, https://bit.ly/2tRjLzl.

Access to employment and livelihood opportunities remains a particular challenge for IDPs[327] and returnees, which in turn affects their ability to access food, shelter, health, education and utilities.[328] Access to government social programmes such as the monthly public distribution system (PDS) and the Cash Transfer Social Protection Programme is reported to remain challenging.[329] Many IDPs are reported to incur debts and/or to resort to negative coping mechanisms to address their most basic needs.[330] The lack of income has been cited as an obstacle for returns as well as a reason for the renewed displacement of returnees.[331]

Much of the population in Basrah and other parts of southern Iraq relies on agriculture as a main source of income; however, due to a persistent water crisis, the livelihoods of many farmers have reportedly been disrupted, leading to significant population movements from rural to urban areas in the region.[332]

3) Food Security

The impact of the 2014-2017 conflict on agricultural production and food security continues to be severe.[333] The conflict resulted in the extensive loss of livestock, damage to agricultural tools and machinery, and the widespread contamination of agricultural land by unexploded ordnance.[334] Compared to pre-conflict levels, agricultural production capacity has reportedly been reduced by an estimated 40 percent.[335] Reduced purchasing power due to limited livelihood opportunities and

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327 "*Fewer IDP adults have a job, so each employed adult in an IDP household supports more than six other household members*"; World Bank, *Iraq's Economic Outlook – October 2018*, 3 October 2018, https://bit.ly/2QZjCD9, p. 2.

328 OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 4. "*It is particularly difficult for internally displaced individuals living in camps to find an occupation (half of males have lost hope in finding a job)*"; UNFPA/IOM, *Demographic Survey: Kurdistan Region of Iraq*, 13 September 2018, https://bit.ly/2NXvPeV, p. 42.

329 "*Obstacles include a lack of necessary civil documentation for enrolment in social programmes, inadequate assessment capacity of the authorities and complicated registration procedures*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 9. See also below "*Food Security*".

330 "*Of those able to be credibly assessed, it is estimated that 24 per cent of IDP families are using emergency negative coping mechanisms to address their most basic needs, including children dropping out of school to work, criminal acts, child marriage and forced marriage. More than 60 per cent of the affected people surveyed reported incurring debt, the majority for meeting basic needs; the average amount of debt per household is 2.2 million IQD (equivalent of US$ 1,800).*" And further: "*Resort to survival sex has become all too common, due to limited economic opportunities and gaps in assistance*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, pp. 4, 29.

331 See Section II.D.3.a ("*Obstacles to Return*").

332 "*The agricultural sector has been a major source of livelihoods for over 70% of the rural communities throughout the* [Basrah] *governorate and is the largest single source of rural employment.* (…) *Due to the disruption of the agricultural sector, as a direct result of climate change, including lower river levels, increased water salinity and reduced rainfall, large numbers of farmers and seasonal workers are now without livelihood opportunities. This has triggered significant population movements from rural to urban areas in the region, as people seek alternative livelihood opportunities. The majority of these people lack appropriate skills to secure formal employment. Women are further adversely affected in securing alternate livelihood options, as they are not permitted to work in the market, due to cultural constraints*"; NRC, *Basra Fact Finding Mission Report #3*, 19 October 2018, https://bit.ly/2RxrKLG, p. 4. See also, Al Bawaba, *The Decimation of the Fertile Crescent's Marshlands is Destabilizing Iraq*, 4 February 2019, https://bit.ly/2t7qjct; The Independent, *Iraq Water Shortages Could Force Four Million People to Flee Their Homes*, 8 October 2018, https://ind.pn/2C3wV1f; MEE, *Drought, Dams and Dry Rivers: Iraqi Farmers Are Giving Up Hope*, 18 September 2018, https://shar.es/a1MsBM.

333 Compared to pre-conflict levels, agricultural production capacity has reportedly been reduced by an estimated 40 percent; Food and Agriculture Organization (FAO), *Iraq – Recovery and Resilience Plan 2018-2019*, 8 February 2018, https://bit.ly/2EFiljF, p. 1.

334 FAO, *Iraq – Recovery and Resilience Plan 2018-2019*, 8 February 2018, https://bit.ly/2EFiljF, p. 1. "*The impact of conflict caused by ISIL on the agriculture sector has been devastating and includes huge population movements, destruction of and damage to water systems, irrigation facilities and other agricultural infrastructure, disruption of value chains and losses of personal assets, crop and livestock production and food supplies*"; FAO, *Restoration of Agriculture and Water Systems Sub-Programme*, October 2018, https://bit.ly/2SmjrmT, p. *vii*. "*Agriculture has been particularly affected, with sustained losses in production, storage, and livestock, affecting agricultural income and employment, as well as food security*"; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. *xvii*. See also, Reuters, *Special Report: How Iraq's Agricultural Heartland Is Dying of Thirst*, 25 July 2018, https://reut.rs/2Od8fY1; FAO, *Humanitarian Response Plan 2018*, 2 August 2018, https://bit.ly/2yLhqb8, p. 2; EPIC, *Iraqi Agriculture in Crisis*, 20 July 2017, https://bit.ly/2z5VuHX.

335 "*Prior to ISIL taking control of central and northwestern Iraq in 2014, crop production* (…) *in Ninewa and Salah al-Din provided nearly 70 percent of household income. Around 70 to 80 percent of maize, wheat and barley growing areas were damaged or destroyed in Salah al-Din. In Ninewa, 32 percent of land dedicated to wheat cultivation was badly damaged and 68 percent was lost. Only about 20 percent of farmers are thought to have access to irrigation compared with 65 percent prior to the crisis*"; FAO, *Humanitarian Response Plan 2018*, 2 August 2018, https://bit.ly/2yLhqb8, p. 2.

inconsistent provision of food rations through the PDS,[336] particularly in formerly ISIS-held areas, are reported to limit people's access to food.[337] Consequently, an estimated two million persons are considered to be food insecure.[338] The majority (60 per cent) of food-insecure people live in formerly ISIS-controlled areas, with women-headed households being among the most vulnerable.[339] Vulnerable households reportedly resort to negative and unsustainable coping strategies such as reducing meal size and frequency, or incurring debts.[340]

4) Health

Over the past decades, Iraq's public health care system has seen a steady decline as a result of cycles of conflict, years of economic sanctions, funding shortfalls, corruption and neglect.[341] The conflict against ISIS severely damaged or destroyed many healthcare facilities and despite the rehabilitation of part of these facilities, capacity has not yet reached pre-war levels.[342]

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336 The PDS remains Iraq's biggest social safety net; WFP, *WFP Supports Iraq in Modernising its Public Distribution System*, 9 January 2019, https://bit.ly/2FpUQd1.

337 "(…) *while 97 percent of resident households receive PDS rations, only 74 percent of IDPs do*"; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. 34. In formerly ISIS-held areas, access to subsidized basic food rations through the PDS is reportedly hampered as a result of unexploded ordnance and logistic challenges; WFP, *Evidence from WFP Multi-Purpose Cash Operations: A Report on Pre/Post Outcome Results of MPCA in Mosul, Iraq – May 2018*, 7 June 2018, https://bit.ly/2pZlPTZ, p. 3. "*Households* [in newly retaken and inaccessible areas] *have limited access to the public distribution system (PDS), an important social safety net that entitles Iraqis to receive flour, rice and cooking oil rations from the government. An October 2017 assessment reported that 74 percent of residents and 90 percent of returnees to Mosul did not receive any PDS assistance*"; Food Security Information Network/WFP, *Global Report on Food Crises 2018*, 21 March 2018, https://bit.ly/2RZ7ROH, p. 76. In October 2018, around 65 per cent of in-camp IDPs received only half their PDS rations due to an unexpected funding gap; OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, p. 8.

338 A majority (77 per cent) of these are women, children or elderly; FAO, *Humanitarian Response Plan 2018*, 2 August 2018, https://bit.ly/2yLhqb8, p. 2. See also, OCHA, *Iraq: 2018 Humanitarian Response Plan (February 2018)*, 21 March 2018, https://bit.ly/2Jiwv7P, p. 43; NRC/DRC/IRC, *The Long Road Home*, 27 February 2018, https://bit.ly/2D3uFZc, p. 17.

339 "*In some governorates 43% of displaced women-headed households are food insecure*"; FAO, *Humanitarian Response Plan 2018*, 2 August 2018, https://bit.ly/2yLhqb8, p. 2.

340 *Ibid*; FAO, *Restoration of Agriculture and Water Systems Sub-Programme*, October 2018, https://bit.ly/2SmjrmT, p. 8; REACH, *Comparative Multi-Cluster Assessment of Internally Displaced Persons Living in Camps – Iraq*, July 2017, https://bit.ly/2xWJBDJ, pp. 18-19.

341 "*The health status of Iraq's population has suffered major blows due to decades of war and economic sanctions.* (…) *Health services have deteriorated and the sector has faced continuous shortages in drugs and other supplies. Moreover, the current ongoing conflict and poor security situation has further damaged the country's health infrastructure. Many health professionals have fled for safety to neighboring countries and abroad and the population's access to basic health services has become increasingly impaired*"; WHO, *Iraq – Primary Health Care*, accessed 30 April 2019, https://bit.ly/2RHYfue. "*Life expectancy in Iraq stands at around 69 years, a figure that is below comparative countries and the MENA average of 73 years. While life expectancy has increased since the 1960s, growth seems to have stagnated in the last decade, likely due to ongoing conflict in the country. Iraq's maternal and child health indicators have not achieved the millennium development goals (MDGs). Malnutrition is emerging as an important public health challenge particularly for children under the age of five*"; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. 20. See also, EPIC, *Iraq's Public Healthcare System in Crisis*, 7 March 2017, https://bit.ly/2CdVh6T.

342 As at late 2018, one third of hospitals and 14 per cent of primary health care centres (PHCCs) are reported to be destroyed in Ninewa Governorate, while 35 per cent of PHCCs in Kirkuk Governorate are not functional. In Al-Anbar Governorate, 17 per cent of hospitals are only partially functioning; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 33. "*During the conflict, nine out of 13 public hospitals were damaged in Mosul, slashing healthcare capacity and the number of hospital beds by 70 per cent. The reconstruction of health facilities has been extremely slow and there are still less than 1,000 hospital beds for a population of 1.8 million people. This is half of the internationally-recognised minimum standard for health service delivery in a humanitarian context*"; MSF, *A Year on from Battle, Mosul's Healthcare System Is still in Ruins*, 9 July 2018, https://bit.ly/2FooEqy. "*Partners have rehabilitated more than 50 percent of primary healthcare facilities while others, including hospitals that offer secondary and tertiary services remain closed*"; WHO, *Iraq: Situation Report Issue Number 8, 1 September-30 September*, 30 September 2018, https://bit.ly/2yo96P3, p. 2. "*In terms of damages to those facilities, with the exception of Tal Afar, Al-Muqdadya (Ibid), and Al-Ramadi, all other cities have at least half of their facilities either partially or fully damaged.* (…) *Tal Afar, Al-Muqdadya (Ibid), and Al-Ramadi seem to be exceptional cities with 50 percent of more of their facilities incurring no damage*"; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. 20. See also, The Arab Weekly, *Medical Doctors, a Disappearing Profession in Iraq*, 31 March 2019, https://bit.ly/2Gz8Os2; The New Arab, *Two Hospitals Reopen in War-Damaged Iraqi City Mosul*, 9 September 2018, https://bit.ly/2CgnRo9; The National, *Charred and Understaffed, Ramadi Hospital still Bears the Scars of ISIS*, 27 June 2018, https://bit.ly/2M8YDgk; Reuters, *Health System in Mosul Remains Broken one Year after Defeat of Islamic State*, 17 July 2018, https://reut.rs/2zIng0y.

Public health facilities are often poorly maintained and recurring shortages of medicines are a major concern, as is the lack of qualified health workers.[343] Conditions are relatively better in the KR-I; however, the region's health care infrastructure has been overstretched as a result of high numbers of displaced persons, and the rise in conflict-related injuries and disabilities.[344]

In areas retaken from ISIS, poor hygiene due to a lack of water and electricity, damaged buildings and the presence of IEDs also pose a risk to people's health and increase the need for healthcare.[345] The lack of health services is among the reasons described as an obstacle for returns.[346]

The conflict against ISIS resulted in many individuals becoming physically and mentally traumatized or disabled.[347] However, significant gaps in the provision of mental health and psychosocial support have been reported,[348] including, *inter alia*, as a result of an acute shortage of psychiatrists and mental health professionals.[349]

5) Education

The most recent conflict is reported to have resulted in a further deterioration of Iraq's education system.[350] In areas affected by conflict, a quarter of children are reported to have limited or no access

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343 OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 35. "*The healthcare system in west Mosul and Hawija, where most hospitals and clinics were bombed, is still in a dire state and severely lacking equipment, medical staff and medication*"; MSF, *After Years of Armed Conflict the Health Sector in some Areas of Iraq Has Almost Ground to a Halt*, accessed 30 April 2019, https://bit.ly/2CeQJ05. "*Local hospitals have substandard staffing, equipment, and may not carry basic medicines*"; US Department of State / Bureau of Diplomatic Security, *Iraq 2019 Crime & Safety Report: Baghdad*, 27 February 2019, http://bit.ly/2OkUVkx. See also, France 24, *Iraq Doctors Say Vendettas Threaten Their Lives as They Save Others*, 28 February 2019, http://f24.my/4W2V.T; The National, *Charred and Understaffed, Ramadi Hospital still Bears the Scars of ISIS*, 27 June 2018, https://bit.ly/2M8YDgk; K4D, *Helpdesk Report – Iraqi State Capabilities*, 18 May 2018, https://bit.ly/2M42D1q, p. 6. On the reported persistent threats of violent retribution against medical staff, see also below footnote 453.

344 CEIP, *A Struggle to Care for Iraq's Disabled*, 20 December 2017, https://bit.ly/2FrzvQw. Those who can afford it pay significant amounts for medical services at private facilities they consider to be of better quality; K4D, *Helpdesk Report – Iraqi State Capabilities*, 18 May 2018, https://bit.ly/2M42D1q, p. 13.

345 "*For example, in May this year* [2018]*, 95 per cent of trauma cases received in the emergency room* [in MSF's hospital in west Mosul] *were related to the unsafe living conditions – such as falling rubble, buildings collapsing or people falling from unstable structures*"; MSF, *A Year on from Battle, Mosul's Healthcare System Is still in Ruins*, 9 July 2018, https://bit.ly/2FooEqy. See also, WHO, *Iraq: Situation Report Issue Number 8, 1 September-30 September*, 30 September 2018, https://bit.ly/2yo96P3, p. 3.

346 See Section II.D.3.a ("*Obstacles to Return*").

347 "*The mental health and psychosocial support needs of affected populations have seemingly become more pronounced, as previously unseen levels of suicides and attempted suicides have been reported*"; OCHA, *Iraq: 2018 Humanitarian Response Plan (February 2018)*, 21 March 2018, https://bit.ly/2Jiwv7P, p. 31. "*There has also been a significant increase in the number of people suffering from mental illnesses and other complications due to stress and conflict-related losses. Almost 2% of the population affected by the conflict face serious mental health problems, with women, children and the elderly among the most vulnerable*"; WHO, *Italy Supports Physical and Mental Health Services in Ninewa*, 18 December 2018, https://bit.ly/2M4XTIX. See also, The Guardian, *Iraq's War-Damaged Children Need Specialist Help to Heal Their Trauma*, 3 August 2018, https://bit.ly/2vh9woK; Save the Children, *Picking Up the Pieces: Rebuilding the Lives of Mosul's Children after Years of Conflict and Violence*, 5 July 2018, https://bit.ly/2LO3m9i; VOA, *Traumatized, IS Children Mourn as World Celebrates Their Loss*, 10 April 2018, https://bit.ly/2wnDaZg; UNU, *Cradled by Conflict: Child Involvement with Armed Groups in Contemporary Conflict*, 12 February 2018, https://bit.ly/2NXbzW8, p. 104.

348 The Wire, *After Years of Conflict, Iraq Grapples with a Mental Health Crisis*, 11 April 2019, https://bit.ly/2IM8eKP; UNHCR, *Iraq Protection Update – August 2018*, 31 August 2018, https://bit.ly/2SbVyP2, p. 1. "*Yazidi women who had survived prolonged IS captivity and enslavement continued to lament the lack of an accessible and unified system of medical and psychosocial care. In August* [2018]*, Yazidi women who had recently escaped IS captivity in Syria and returned to Iraq told Amnesty International that they had struggled to pay for medical and psychological care* (…)"; Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr, p. 4.

349 WHO, *Mental Health and Psychosocial Support Training Session Concludes in Dahuk Governorate*, 28 October 2018, https://bit.ly/2M5nUYB. See also, MSF, *Iraq: Mental Health Needs Mount after Years of War*, 15 June 2017, https://bit.ly/2FmJSpC; EPIC, *Iraq's Quiet Mental Health Crisis*, 5 May 2017, https://bit.ly/2OhVbQL; The New Humanitarian, *Iraq's Growing Mental Health Problem*, 16 January 2017, https://bit.ly/2SJHzjq.

350 "*Iraq's education system significantly deteriorated over the last 40 years in terms of access, equity, and quality*"; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. 25.

to formal learning opportunities.[351] This affects in particular IDP[352] and returnee children.[353] In these areas, many school facilities are reported to have been damaged or destroyed,[354] while others have been severely degraded after years of conflict, neglect and lack of investment.[355]

Schools across the country are reported to lack basic facilities and access to electricity and water.[356] Furthermore, schools suffer from overcrowding and a shortage of qualified teachers, textbooks and teaching materials.[357] The shortage of adequate school facilities means that many schools have to run multiple shifts, further compromising educational standards.[358]

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351 OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 48. "*The 2018 Multi Cluster Needs Assessment (MCNA) identified a number of challenges that affect children's access to education and these include; inability to pay for education related expenses (30 per cent); a general lack of interest in school of children (10 per cent), disability or health concerns preventing attendance and participation, and the need to contribute to family income by engaging in income generating activities. In Iraq, barriers to educational participation disproportionately affect girls; statistics gathered by partners indicate that by sixth grade, girls represent less than half of students in the education system*"; UNICEF/Save the Children/Education Cluster, *Iraq Education Cluster Strategy 2019*, 9 February 2019, https://bit.ly/2JdqwpJ, p. 8.

352 One third of school-aged IDP children in camps and a quarter of IDP children living in out-of-camp location have no access to formal education opportunities; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 48. "(…) *more than 600,000 displaced children have missed an entire year of schooling*"; UNICEF, *New School, New Friends, New Start: Rebuilding Education in Mosul*, 27 June 2018, https://uni.cf/2KiiFa8.

353 In areas of return, 21 per cent of children have no access to formal education; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 48.

354 "*In-depth analysis was conducted across 16 cities within the seven governorates* [affected by conflict, i.e. Al-Anbar, Babel, Diyala, Kirkuk, Ninawa, Salah Al-Din, and Baghdad] *indicating that severe damages to the sector were incurred. Only 38 percent of the total school infrastructure for which data were available in the 16 cities remain undestroyed, while 18 percent (190 facilities) were completely damaged. Education facility damages are concentrated in Al-Falluja, Mosul, and Al-Ramadi, where 71, 65, and 62 percent, of facilities were respectively damaged due to heavy fighting. It is expected that all school materials have been depleted or destroyed. Areas formally under ISIS control endured the greatest losses given the group's intentional campaign to spread extremism through education*"; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. *i*. See also the "*Damage Inventory*" on p. 26 of the same report. NRC reported that in West Mosul alone, 62 schools were completely destroyed and 207 damaged; NRC, *Mosul still a Pile of Rubble One Year on*, 5 July 2018, https://bit.ly/2IWO4cP. See also, UNICEF/Save the Children/Education Cluster, *Iraq Education Cluster Strategy 2019*, 9 February 2019, https://bit.ly/2JdqwpJ, p. 8; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 49; Global Coalition to Protect Education from Attack, *Education Under Attack 2018 – Iraq*, 11 May 2018, www.refworld.org/docid/5be9430d4.html.

355 According to UNICEF, half of all public schools in the country require rehabilitation; UNICEF, *Deep Inequality Continues to Shape the Lives of Children in Iraq*, 19 November 2018, https://uni.cf/2R9YlHG. See also, OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 48; Kurdistan 24, *Nearly Century-Old School in Sulaimani to Be Fixed as Demands for more Schools Increase*, 19 October 2018, https://bit.ly/2FKHgBV; Open Democracy, *Corruption Corrodes Kurdish Education*, 15 October 2018, https://bit.ly/2sHVgUF. According to UNICEF, there is a need for 7,500 additional schools in order to improve access to education; AFP, *Wealth Gaps Affecting School Children in Iraq: UN*, 19 November 2018, http://f24.my/410E.T.

356 The situation is particularly pronounced in Basrah Governorate, where water and sanitation facilities have deteriorated due to the ongoing water crisis, reportedly putting more than 277,000 children at risk of contracting water-borne diseases in schools; NRC, *A Clean Drop in the Ocean: Working in Iraq's Worst Health Crisis*, 19 February 2019, https://bit.ly/2SP01ep; NRC, *Iraq: Basra's Children Face Disease Outbreak in Rundown Schools*, 23 October 2018, https://bit.ly/2D1nNLZ. See also, ACTED/PIN, *No Lost Generation: After ISIL, Children in Iraq Are Given a Second Chance at Learning, Friendship, and Life*, 26 September 2018, https://bit.ly/2sHIkOq.

357 "*The Ministries of Education for KR-I and federal Iraq indicate sufficient teachers on their payrolls, however displacement has resulted in a shortage of qualified teachers in some areas*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 49. See also, UNICEF/Save the Children/Education Cluster, *Iraq Education Cluster Strategy 2019*, 9 February 2019, https://bit.ly/2JdqwpJ, p. 8; AFP, *Kids in Iraq Camps Dream Big, but They Can't Enroll in School*, 26 December 2018, https://bit.ly/2WddoD8; Al-Monitor, *Why Has Illiteracy Rate Gone Up in Iraq?*, 9 December 2018, http://almon.co/355h; MEE, *'We Have Received Nothing': Sinjar's only School Pleads for Help in Post-IS Iraq*, 30 April 2018, https://bit.ly/2HvC3zx.

358 OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 49. According to Fadhil al-Shuwayli, a member of the Baghdad Provincial Council Education Committee, "[S]*ometimes you can find up to 80 students in a single classroom*"; Diyaruna, *Shortage of Buildings, Truancy Plague Iraqi Schools*, 4 December 2018, http://diyaruna.com/r/titk. "*Children in Iraq can expect to complete 6.9 years of pre-primary, primary and secondary school by age 18. However, when years of schooling are adjusted for quality of learning, this is only equivalent to 4 years with a learning gap of 2.9 years*"; World Bank, *Building Strong Human Capital in Iraq to Unleash Economic Potential*, 21 October 2018, https://goo.gl/dc12Ux. According to Peter Hawkins, UNICEF Representative for Iraq, "[T]*he children who go to triple shift schools get less than 10 contact hours a week of education* (…)"; UNICEF, *Educating Children 'Is the only Hope for the Future of Iraq'*, 12 February 2018, https://bit.ly/2AYbBZW. See also, NRC, *A Clean Drop in the Ocean: Working in Iraq's Worst Health Crisis*, 19

School enrolment and attendance rates are reported to be the lowest in the southern governorates, which remain the poorest of the county, as well as in conflict-affected Al-Anbar and Ninewa Governorates.[359] Poverty and inability to pay for education-related expenses are reported to be among the main reasons for children to drop out of school.[360] The ratio of school-dropouts is particularly high among adolescents and girls.[361] Lack of access to and participation in education increases the risks for children and youth to be exposed to child labour, recruitment by armed groups, child marriage and psychosocial distress.[362]

Children without official documentation, including those belonging to families associated with actual or perceived ISIS members, are regularly prevented from accessing education.[363]

6) Water, Sanitation, and Electricity

In areas affected by conflict, water and sanitation infrastructure has been severely damaged,[364] while in areas of displacement, available systems have been overwhelmed by the increased demands.[365] Across the country, the situation is further compounded by the reported water scarcity[366] and

February 2019, https://bit.ly/2SP01ep; MEE, *'We Have Received Nothing': Sinjar's only School Pleads for Help in Post-IS Iraq*, 30 April 2018, https://bit.ly/2HvC3zx.

359 UNICEF, *Deep Inequality Continues to Shape the Lives of Children in Iraq*, 19 November 2018, https://uni.cf/2R9YlHG. "*On January 19* [2019]*, al-Mada reported that the Central Bureau of Statistics in Iraq released a new report regarding dropout rates from primary schools across Iraq, showing a rise in the number of students failing to complete even primary education*"; EPIC, *ISHM: January 11 - January 24, 2019*, 24 January 2019, https://bit.ly/2G40rGf.

360 In the KR-I, "[E]*conomic hardship, insufficient schools in rural areas and lack of transportation are just some of the factors that are keeping children from disadvantaged backgrounds from receiving an education that can transform their lives and that of their communities*"; UNICEF, *The Lives of Children in the Kurdistan Region of Iraq Have Improved, but Challenges Remain, New Survey Reveals*, 17 December 2018, https://bit.ly/2BsNVMD. "*Girls and boys living both in- and out-of-camps are increasingly out of school, mainly due to a lack of financial means* (…)." And further: "*The main reason children are left out of education is because households can 'not afford to pay the fees' "*; OCHA*, Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, pp. 31, 49, 52. "*While almost all children (92 per cent) are enrolled in primary school, just over half of children from poorer backgrounds complete their primary education. The gap widens in upper secondary school, where less than a quarter of poor children graduate, compared to three-quarters of children from wealthier backgrounds*"; UNICEF, *Deep Inequality Continues to Shape the Lives of Children in Iraq*, 19 November 2018, https://uni.cf/2R9YlHG. See also, AFP, *Kids in Iraq Camps Dream Big, but They Can't Enroll in School*, 26 December 2018, https://bit.ly/2WddoD8; Open Democracy, *Corruption Corrodes Kurdish Education*, 15 October 2018, https://bit.ly/2sHVgUF; Education Policy and Data Center, *Iraq – National Education Profile 2018 Update*, 2018, https://bit.ly/2sJaGYA, p. 1.

361 "*Gender gaps remained high, with girls more likely to experience poor access and remain out of school.* (…) *Concerns with girls' safety on their journey to school and the introduction of practices, such as early marriage, have resulted in higher dropout rates for girls and an underrepresentation of girls in both primary and secondary schools*"; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. 25. See also, OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 49.

362 OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 50. See also, Asia Times, *In Mosul, Children out of School and at Risk of Recruitment*, 6 November 2018, http://ati.ms/FvolIp.

363 See Sections III.A.1.b ("*Families Associated with Real or Perceived ISIS Members*") and III.A.9 ("*Children with Certain Profiles or in Specific Circumstances*").

364 In areas affected by conflict, water, sanitation and hygiene (WASH) infrastructure has seen massive damage and destruction: "*Overall, a total of 1,488 facilities were identified in the 31 most damaged cities in Anbar, Diyala, Ninawa, and Salah Al-Deen, and across Babel, Baghdad, and Kirkuk. Of these facilities, it has been reported that 1,359 were completed destroyed and 369 were partially damaged.* (…) *Ninawa has the highest damage percentage, followed by Anbar, and Kirkuk*"; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. 94.

365 OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 36; Bertelsmann Foundation, *BTI 2018 Country Report – Iraq*, 2018, www.ecoi.net/en/file/local/1427413/488298_en.pdf, p. 9.

366 "*In 2018, significant decreases in the quantity and quality of the public water supply impacted 25 per cent of the total population in southern governorates (approximately 1.9 million people), negatively affecting a region where the poverty rate was already above 30 per cent*"; OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, p. 8. Water scarcity is reportedly caused by changing climatic and meteorological conditions and exacerbated by major dam constructions in upstream Turkey and Iran and increased water demand due to displacement and population growth; AFP, *Despite Full Reservoirs, Iraq Water Woes Far from over*, 1 May 2019, https://shar.es/a0nx30; Financial Times, *Iraq's City of Black Gold Pays a High Price for Petrodollars*, 29 April 2019, https://on.ft.com/2PEUjHq; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 36; OCHA, *Iraq: Humanitarian Bulletin, August 2018*, 31 August 2018, https://bit.ly/2RgXmWi, p. 1; Clingendael Institute, *More than Infrastructures: Water Challenges in Iraq*, July 2018, https://bit.ly/2sNb5sU, pp. 1-2.

inadequate infrastructure such as wastewater treatment facilities.[367] Affected populations have insufficient access to potable water and adequate sanitation services,[368] exposing them to the risk of water borne diseases.[369] Low water levels are reported to contribute to an increase in salinity, making water unsuitable for consumption and agricultural usage.[370]

The reliability of electricity supplies, already low due to dilapidated infrastructure,[371] is reported to have further deteriorated as a result of conflict-related damage to and destruction of electricity infrastructure.[372] Insufficient public power supplies[373] are reported to have adverse impacts on the functioning and recovery of the health, water and sanitation, education, and telecommunications sectors.[374] Frequent power outages force many Iraqis to rely on electricity from privately-operated diesel generators, posing a significant financial burden.[375]

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367 "*There are only 26 central wastewater treatments plants in Iraq, nine of which are either non-functioning or only partially working. Some governorates such as Ninewa, Kirkuk, Diyala, Basrah and Wassit do not have any wastewater treatment plants. Within Baghdad governorate, 1.5 million tons of untreated sewage are reportedly dumped in the Tigris river every day due to lack of wastewater treatment facilities*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 36. See also, AFP, *Despite Full Reservoirs, Iraq Water Woes Far from over*, 1 May 2019, https://shar.es/a0nx30; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. 94.

368 "*Half of all Iraqi households are at risk of drinking contaminated water and less than 40 per cent of the population has access to drinking water at home, placing children at grave risk of waterborne diseases*"; UNICEF, *Deep Inequality Continues to Shape the Lives of Children in Iraq*, 19 November 2018, https://uni.cf/2R9YlHG. "*Across all governorates, the percentage of households that had access to water has varied from 40 to 60 percent. However, in cities like Al-Ramadi, Beygee, Bakhdida, Al-Ba'aj, and Al-Hatra, 20 percent or less of households have access to water, causing households to depend on water trucks for clean water*"; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. 94. See also, OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, p. 8.

369 "*Reports from the Ministry of Environment indicate that bacteriological contamination of surface water varies between governorates, ranging from 3 per cent up to 35 per cent; in Basrah over 70 per cent of water sources are contaminated*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 36. "*The vulnerable populations remain concentrated in camps, informal settlements and within host communities which often pose the risk of exposure to and transmission of communicable diseases, including cholera because of crowded living conditions. Furthermore, people, who are living in newly retaken areas and returnees to East Mosul and other retaken towns and villages across Iraq may also be considered to be at risk of cholera due to infrastructure damages that limit access to safe water and sanitation as well as healthcare*"; Health Cluster Iraq/WASH Cluster Iraq, *Iraq Health and WASH Cluster Acute Diarrheal Disease (Including Cholera) Preparedness and Response Plan*, October 2018, https://bit.ly/2CI96e1, p. 3. See also, Xinhua, *Hundreds Affected by Pollution in Iraq's Salahudin Province*, 5 April 2018, https://bit.ly/2FL41Wn.

370 "(…) *in the five southern governorates, it is expected that the water scarcity will increase over the coming months, putting about 25 percent of this 2 million population at risk of experiencing water service outage, water-borne related diseases and possible displacement*"; UNAMI, *Special Representative of the United Nations Secretary-General for Iraq – Briefing to the Security Council by SRSG Ján Kubiš*, 8 August 2018, https://bit.ly/2zWY7gi. "*In some areas the water is so heavily salinated that it can no longer be used for agricultural purposes*"; Clingendael Institute, *More than Infrastructures: Water Challenges in Iraq*, July 2018, https://bit.ly/2sNb5sU, p. 6. See also Sections II.D.1 ("*Internal Displacement*") and II.F.2 ("*Livelihoods*").

371 "*Prior to the conflict with ISIS, Iraq's electricity sector suffered from a series of simultaneous and compounding challenges. Due to years of sanctions and past conflicts, necessary investments for reconstruction, rehabilitation, and expansion of transmission and distribution infrastructure to match growing demand were inadequate, leading to a dilapidated network and poor electricity supply reliability*"; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. 71. See also, K4D, *Helpdesk Report – Iraqi State Capabilities*, 18 May 2018, https://bit.ly/2M42D1q, pp. 5-6.

372 "(…) *over 55 percent of critical infrastructure* (…) *were partially damaged, and a further 33% were completely destroyed. Seventeen power plants were destroyed or sustained partial damage as a result of intensive ground fighting, artillery shelling, aerial bombardment, and looting. In addition, 14 percent of transmission network towers have been destroyed and need to be reinstalled. Infrastructure damage has been extensive in many governorates, with access to the public electricity network in associated cities significantly low or non-existent.* (…) *The assessment suggests that currently six cities are without access to public electricity service, and four cities continue to experience relatively low levels of public network power access, varying by neighborhood*"; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, pp. 72, 73.

373 "*Iraq can produce a total of around 16,000 megawatts of electricity. That is far below demand, which hovers around 24,000 MW but can jump to 30,000 in summer, when temperatures reach a sizzling 50 degrees Celsius. Much of the shortfall is technical: when Iraq transmits power, 30 to 50 per cent gets lost to poor infrastructure, according to the Iraq Energy Institute (IEI)"*; AFP, *Iraq Seeks Power Revamp to Head Off Sanctions and Protests*, 28 November 2018 https://bit.ly/2P6zqTA.

374 World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. 73.

375 Al-Bayan Center for Planning and Studies, *Electricity Generation in Iraq – Problems and Solutions*, 19 September 2018, https://bit.ly/2FOOxAQ, pp. 1-2; World Bank, *Damage and Needs Assessment of Affected Governorates*, January 2018, https://bit.ly/2lhQOIr, p. 70. The prolonged reduction of water levels in rivers is reported to have reduced electricity generation

In areas with a continued ISIS presence, the group is reported to target water and oil infrastructure, as well as electric towers and transmission lines, resulting in power outages in the affected areas.[376]

III. Assessment of International Protection Needs of Asylum-Seekers from Iraq

A. Refugee Protection under the 1951 Convention Criteria and Main Categories of Claims

UNHCR considers that international protection needs may arise for individuals falling in one or more of the risk profiles outlined in this Section, depending on the individual circumstances of the case. However, the profiles listed here are not necessarily exhaustive; they 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 specific circumstances of the case, family members or persons 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.

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).

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.

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 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 Article 1C(5) of the 1951 Convention.

from hydroelectric dams; Clingendael Institute, *More than Infrastructures: Water Challenges in Iraq*, July 2018, https://bit.ly/2sNb5sU, p. 2; International Peace Institute, *Protests in Southern Iraq Intensify, Is Instability to Follow?*, 24 July 2018, https://bit.ly/2FXFEnG.

376 "*The Islamic State's sabotage attacks on energy and water provision is likely intended to exacerbate the Iraqi state's inability to provide basic services and to provoke a popular backlash against the government*"; Jane's 360, *Increasingly Bold Islamic State Attacks Indicate Aspiration to Exploit Civil-State Tensions and Seize Control of Iraq's Energy Installations*, 26 October 2018, https://bit.ly/2UJ56S5. See also, Bas News, *IS Attacks Oil Field in Northern Iraq*, 23 March 2019, https://bit.ly/2UGhC4j; US Department of Defense, *Lead Inspector General for Operation Inherent Resolve I Quarterly Report to the United States Congress I October 1, 2018 – December 31, 2018*, 4 February 2019, https://bit.ly/2GalvM8, p. 31; Kurdistan 24, *Kurdish Security Says VBIED Attacks Re-Emerging, IS Assassinations Unabated in October*, 4 November 2018, https://bit.ly/2RjEsgE; NRT, *ISIS Destroys Another Transmission Tower in Hawija*, 21 September 2018, https://bit.ly/2Rc7bUs; Diyaruna, *Iraq Takes Steps to Prevent Power Line Sabotage*, 30 August 2018, http://diyaruna.com/r/t0p8; Rudaw, *Kirkuk-Diyala Electricity Lines Sabotaged again; Iraq Blames 'Terrorism'*, 2 August 2018, https://bit.ly/2CMGeRZ.

1) Persons Wrongly Suspected of Supporting ISIS

a) Civilians Perceived to Be Supporting ISIS

Individuals of mostly Sunni Arab identity, and particularly, but not exclusively, men and boys of fighting age from formerly ISIS-held areas, are reported to collectively be suspected of being affiliated with, or supporting ISIS.[377] 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-ISIS military operations, during and after flight from ISIS-held areas, following the retaking of these areas, as well as during ongoing security operations against ISIS remnants.

As a general rule, criminal action against persons reasonably suspected of criminal acts is entirely legitimate but must be in line with relevant legislation and must respect due process requirements. However, observers note that the ISF, affiliated forces and Kurdish security forces regularly impute an ISIS affiliation to individuals on the basis of broad and discriminatory, often overlapping criteria, including:[378]

- Religious and ethnic background (Sunni Arab or Turkmen[379]);
- Sex and age (men and boys of fighting age);
- Family and tribal background, including place of origin; and/or
- Residency in a formerly ISIS-held area at the time of ISIS control.

A suspicion of involvement with ISIS is regularly raised against persons of these profiles without regard to the nature of their involvement, i.e. whether it was voluntary or forced and of a civilian or military

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377 There is reported to be "(…) *widespread stigmatization against entire tribes or communities for having survived under ISIS rule*"; InterAction, *Moving Forward Together, Leaving no One Behind*: *From Stigmatization to Social Cohesion in Post-Conflict Iraq*, 31 October 2018, https://bit.ly/2r2TtZg, p. 3. "*The Iraqi state's current approach to individuals associated with IS is widely perceived among Sunnis as collectively punishing Sunni civilians for simply living in areas controlled and governed by IS*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 27. See also, European Union Institute for Security Studies (EUISS), *Meet Iraq's Sunni Arabs – A Strategic Profile*, October 2017, https://bit.ly/2zmT3BE, p. 2.

378 "*Under the guise of fighting terror, Iraqi forces arbitrarily detained, ill-treated and tortured, and disappeared mostly Sunni men from areas where ISIS was active* (…)"; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html. "*There is a widespread assumption in Iraq that simply living in the Islamic State-controlled territory was an act of support for terrorism*"; Washington Post, *How the Iraqi Crackdown on the Islamic State May Actually Increase Support for the Islamic State*, 7 January 2019, https://wapo.st/2M7roKh. "[Nearly] *all the cases Human Rights Watch documented for this report were Sunni Arab males. Their families all said that they believed the disappearances took place because of their religious, tribal or familial identity, which Iraqi forces used to impute a sympathy for ISIS and Al-Qaeda. Human Rights Watch is not aware of specific evidence linking the individuals disappeared to ISIS.* (…) *All of the disappearances at checkpoints but one targeted individuals who are from or lived in areas that were under ISIS control for varying periods of time between 2014 and 2017*"; HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf, p. 3. "*The lawyers all said that officers automatically viewed certain people as ISIS-affiliated based on where they are from or their tribe or family name, or whether they or their relatives show up on a set of databases of those 'wanted' for ISIS affiliation*"; HRW, *Iraq: Officials Threatening, Arresting Lawyers*, 12 September 2018, www.refworld.org/docid/5ba0bd2e4.html. "*The Iraqi government's approach to individuals associated with the Islamic State is widely perceived as collectively punishing Sunni civilians who happened to live and work in areas that were captured by the group*"; Lawfare, *Iraq's Harsh Approach to Punishing Islamic State 'Collaborators' Stands to Have Counterproductive Consequences*, 11 June 2018, https://bit.ly/2K3votp. "*Many civilian residents of IS-controlled territory and relatives of IS members had no choice but to cooperate with the group because opposition was equated with 'apostasy' and therefore punishable by death. When IS retreated from Iraqi territory in 2017, it left behind a population that Iraqi authorities now overwhelmingly regard as complicit in terrorism* (…)*. Men, women, and children have been detained by Iraqi and KRG authorities on suspicion of association with IS simply based on demographic traits (being a fighting-age male) or spatial proximity to Mosul and other contested areas*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, pp. 4, 22. "*Traditionally, the social contract of tribalism holds that an attack on one member is an affront to all. In the current environment, the contract has flipped: Tribes stand accused of working with ISIL due to individual members or families siding with the extremists*"; War on the Rocks, *Baghdad Must Seize the Chance to Work With Iraq's Tribes*, 17 January 2018, https://bit.ly/2PoIhzW.

379 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 ISIS when it took over Turkmen-majority areas, including the town of Tal Afar (Ninewa), in 2014. "*Many in Nineveh accuse the Sunni Turkmen of Tal Afar to be hardcore members and supporters of ISIS, and al-Qaida before that*"; United States Institute for Peace (USIP), *With Key Iraqi Province Retaken from ISIS, What's Next?*, 1 September 2018, https://bit.ly/2w57uL9. See also, MRGI, *Turkmen*, updated November 2017, https://bit.ly/2AmCMfT; Al Jazeera, *Iraq's Turkmen Mobilise for a Post-ISIL Future*, 13 February 2017, https://bit.ly/2PSMMrP.

nature.[380] Individuals of these profiles are reported to be arrested on the basis of questionable evidence such as statements from secret informants or inclusion on "wanted lists" administered by different security actors.[381]

In the context of military operations against ISIS between 2014 and 2017, civilians of these profiles are reported to have been targeted by ISF, affiliated forces, and Kurdish security forces for arbitrary arrest and detention,[382] abduction, enforced disappearance, torture and other forms of ill-treatment, as well as extra-judicial killing.[383] During this time, in conflict areas and elsewhere, arbitrary arrests and enforced disappearances of perceived ISIS affiliates and supporters were reported to mostly occur at screening centres and checkpoints, from homes and IDP camps, as well as during security raids.[384]

Since the end of major military operations against ISIS in late 2017, clearing operations and arrest campaigns against ISIS suspects in areas retaken from ISIS and elsewhere reportedly continue.[385]

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380 "*Individuals linked to ISIS, whether they were fighters, civilian collaborators or mere residents of ISIS-controlled territory, have been stigmatised by local communities, tribal authorities and state-allied forces*"; UNU-CPR, *A Will to Punish – The Shia View of Dealing with ISIS Suspects in the Hands of Iraqi Justice*, July 2018, https://bit.ly/2JVFhda, p. 5. "*In general, the Iraqi government has been unwilling to differentiate between the many different types of affiliates: civilian residents of Islamic State-controlled territory who were required to pay taxes to the group, civilian employees of Islamic State-run institutions* (…)*, Islamic State fighters, or relatives of the group's civilian employees and fighters. Nor does it recognize variation in their culpability*"; Lawfare, *Iraq's Harsh Approach to Punishing Islamic State 'Collaborators' Stands to Have Counterproductive Consequences*, 11 June 2018, https://bit.ly/2K3votp. See also, The Independent, *Mosul's Sunni Residents Face Mass Persecution as ISIS 'Collaborators'*, 13 July 2017, https://ind.pn/2tQAOkc.

381 "*The US Defense Department estimated that 3,000-5,000 ISIS fighters defended Mosul, one of the group's strongholds, but according to senior Iraqi intelligence officials, lists of ISIS suspects reportedly grew to include approximately 100,000 names. The lists include people who were suspected of involvement with ISIS in any capacity, including support functions such as drivers or cooks. Some on the list may have had no involvement with ISIS at all, but be under suspicion because of family members' involvement, or because community members suggested names for the lists based solely on personal or local grievances*"; HRW, *"Everyone Must Confess"*, 6 March 2019, http://bit.ly/2JdtlqI. "*Some police officers arrest civilians solely on the basis of information from secret informants. This practice increases the likelihood of civilians being falsely accused and facing lengthy pre-trial detention in overcrowded facilities where there is a risk of ill-treatment and coerced confession*"; CIVIC, *Mosul: Civilian Protection Challenges Post-ISIS*, May 2018, https://bit.ly/2PVzJoN, p. 3. "*Wanted lists are poorly sourced and widely recognised as inaccurate. Different Iraqi security forces maintain their own wanted lists and make little effort to communicate or cross-check their respective intelligence.* (…) *Individuals may be arrested based on similarity between their surname and one that appears on a wanted list*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 22. "*Although the vetting database contains the names of individuals, a prescription of guilt is made against the entire family – up to the fourth degree in some instances. This means that relatives as distant as a great uncle or first cousin may find themselves marked as an ISIL affiliate, no matter their own actions or their actual connection to the primary suspect*"; POMEPS, *Legal Pluralism and Justice in Iraq after ISIL*, 10 September 2018, https://bit.ly/2rpzPqw. See also p. 23 of the same report. "*Authorities routinely arrest people with little evidence other than their names matching those on a list of fugitives. Many Mosul residents avoid passing checkpoints out of fear that their names will appear on such lists in error*"; Washington Post, *Mosul Residents Say Corruption Rises after Islamic State's Fall in Iraq*, 30 December 2018, https://go.shr.lc/2CGanDH. See also, Foreign Policy, *Among Displaced Iraqis, One Group Is Worse Off than the Rest*, 29 April 2019, https://bit.ly/2J7jiBW; AP, *A Neighbor's Word Can Bring Death Sentence in Iraq IS Trials*, 9 July 2018, https://bit.ly/2KKFvrq; HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf, pp. 9, 23-50; AFP, *In Mosul, Hundreds Fear Arrest for Sharing Names with Jihadists*, 3 March 2018, http://f24.my/2buv.T.

382 "*Iraqi forces arbitrarily detained some ISIS suspects, predominately Sunni men, many of them for months. According to witnesses and family members, security forces regularly detained suspects without any court order, arrest warrant, or other document justifying arrest and often did not provide a reason for the arrest*"; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html.

383 Other reported violations and abuses included forced evictions, looting, deliberate burning and destruction of homes, and, in some cases, the deliberate destruction of whole villages, as well as blocking the return of Sunni Arab and Sunni Turkmen inhabitants; see Sections II.E.1 ("*Human Rights Situation – State Actors*").

384 Rudaw, *Sunnis from Anbar Plead for the Release of Loved Ones by Iraqi Security*, 22 January 2019, https://bit.ly/2RXNd4j; HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf, pp. 3, 23-50; UNHCR, *Iraq Protection Update – August 2018*, 31 August 2018, https://bit.ly/2POL6zm, p. 1; CIVIC, *Mosul: Civilian Protection Challenges Post-ISIS*, May 2018, https://bit.ly/2PVzJoN, pp. 7-8; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 22; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, p. 17.

385 "*While many of the active battlefronts between Iraqi forces and the Islamic State (ISIS) had quieted by 2018, military operations continued against sleeper cells and rural ISIS holdouts*"; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html. "*Authorities routinely arrest people with little evidence other than their names matching those on a list of fugitives. Many Mosul residents avoid passing checkpoints out of fear that their names will appear on such lists in error*"; Washington Post, *Mosul Residents Say Corruption Rises after Islamic State's Fall in Iraq*, 30 December 2018,

Persons suspected of involvement with ISIS, including persons who were not involved in violent acts, or who were forced to cooperate with ISIS, were economically dependent on keeping their job in the public sector (e.g. civil servants, doctors in public hospitals, teachers) under the ISIS administration, or who were merely living in an area while it was under ISIS control, are at risk of arbitrary arrest, enforced disappearance, torture and other forms of ill-treatment, extra-judicial killings, and unfair trials that can result in the death sentence on account of their alleged affiliation or support for ISIS.[386]

Entry and residency restrictions, including sponsorship requirements, are reported to remain in place in several governorates. Such restrictions are often based on discriminatory and broad criteria such as perceived association with ISIS on account of a person's ethnic, religious, and/or tribal background or area of origin.[387]

b) Families Associated with Actual or Perceived ISIS Members

Families, and in particular women and children, associated with actual or perceived ISIS members on account of their family or tribal relations,[388] are reported to be subjected to a range of human rights violations and abuses at the hands of local authorities, the ISF and affiliated forces, local militias as well as members of these families' tribes and communities.[389] The UN and human rights organizations have described the treatment of these families as "collective punishment".[390] There are concerns over the

https://go.shr.lc/2CGanDH. "*Security forces frequently arrest suspected terrorists or break up sleeper cells* (…)"; AFP, *Mosul Fears Return of Daesh Nightmare*, 9 November 2018, https://bit.ly/2r0zlXF. "*During cordon and search operations, security forces surround and lock down an area and gather all men aged 16 and older in a school or a mosque to check their identities*"; CIVIC, *Mosul: Civilian Protection Challenges Post-ISIS*, May 2018, https://bit.ly/2PVzJoN, p. 5. See also, HRW, *"Everyone Must Confess"*, 6 March 2019, http://bit.ly/2JdtlqI; The New York Review of Books, *Undefeated, ISIS Is Back in Iraq*, 13 February 2019, https://bit.ly/2GJfHsy; Yahoo News, *On Patrol with the Iraqi Militia Hunting the Last Remnants of the Islamic State Group*, 19 November 2018, https://yhoo.it/2S0DVks; HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/file/local/1444517/1788_1538050350_2709.pdf, pp. 3, 23-50; AFP, *In Mosul, Hundreds Fear Arrest for Sharing Names with Jihadists*, 3 March 2018, http://f24.my/2buv.T.

386 See Section II.E.1 ("*Human Rights Situation – State Actors*").

387 See Section III.C.1.d ("*Assessing where the proposed area of IFA/IRA is practically, safely and legally accessible*").

388 "*Some of these Iraqis are the wives or siblings of Islamic State fighters, but others have only loose tribal connections to people in the militant group. Still others say they've been stigmatized for simply remaining in their hometowns when the Islamic State took control instead of fleeing. One thing they have in common: All are Sunni Muslims*"; Foreign Policy, *Among Displaced Iraqis, One Group Is Worse Off than the Rest*, 29 April 2019, https://bit.ly/2J7jiBW. "*These are the 'ISIS families' – they are here whether their sons or husbands or fathers joined up by choice or by force, whether they were fighters or leaders, administrative employees or drivers.* (…) *If a person belongs to a tribe in which the majority supported the Islamic State group, the whole family is considered 'an ISIS family'* "; The New Arab, *Awaiting Judgement: Meeting the Islamic State Families Held in Desert Camps*, 2 October 2018, https://bit.ly/2Q3Qi1R. "*In many cases, wives and children of Islamic State fighters were often victims of the group's violence themselves, yet they are widely perceived as perpetrators or at least accomplices*"; Lawfare, *Iraq's Harsh Approach to Punishing Islamic State 'Collaborators' Stands to Have Counterproductive Consequences*, 11 June 2018, https://bit.ly/2K3votp. "*Kinship ties to the group are considered a sufficient basis for retaliation even if the relatives of IS members did not personally commit any crimes. A key principle of tribal law, which is influential in Iraq – particularly in areas where state authority is weak – is the attribution of collective guilt to the family or tribe of the perpetrator of a crime. This principle allows for the relative of an IS member to be held vicariously responsible for crimes that he or she committed individually*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 10. According to Amnesty International, several interrelated and overlapping factors influence the perception of who constitutes as an *"ISIS family"*: *"Perhaps the most determinative factor is if the family has a relative who was a member of IS. The perception of an affiliation to IS can exist even if the relative is a distant relative, with no relationship by blood. It may also exist in cases where the relative was not an IS fighter or commander, but worked in non-combat roles, such as an administrative employee, driver or cook.*" Additional factors include: previous residency in an ISIS-held area; flight from an ISIS-held area at a later stage of the conflict; affiliation with a tribe that (predominantly) supported ISIS; and arrest of male family member on suspicion of ISIS membership; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, pp. 12, 41. See also, AP, *Children of Islamic State Group Live Under a Stigma in Iraq*, 15 October 2018, https://bit.ly/2OWzVUe; Marie Claire, *The Truth about the Wives of ISIS*, 4 October 2018, http://bit.ly/2RTn43E; Just Security, *"ISIS Widows"* and *"Boko Haram Wives"*: *Overlooked Abuses in Iraq and Nigeria*, 23 August 2018, https://bit.ly/2xsq1Qf.

389 "*Families with perceived IS ties have reported being subjected to forced displacement, evictions, arrests, looting of their homes, house demolitions, threats, sexual abuse and harassment, and discrimination after returning to their places of origin. Those carrying out this treatment include the local authorities, Iraqi forces, including the PMU, local militias and members of the families' tribe and community*"; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, p. 36. See also, UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, pp. 10-11.

390 "*Family members of alleged ISIS members are often treated as guilty by association, regardless of their own individual culpability*"; UNU-CPR, *A Will to Punish – The Shia View of Dealing with ISIS Suspects in the Hands of Iraqi Justice*, July 2018,

lack of due process for these families, as they are not given an opportunity to challenge the determination that they have been affiliated with ISIS.[391]

In their home areas, families associated with actual or perceived ISIS members are reported to be routinely subjected to a variety of punitive measures, including threats (for example by marking homes as belonging to "*Daesh*" families), harassment, physical attack, destruction, burning, looting and confiscation of homes,[392] societal marginalization as well as cutting off essential services, including electricity and water.[393] According to reports, they are also subjected to forced eviction/expulsion,[394] and/or forced relocation to IDP camps.[395]

https://bit.ly/2JVFhda, p. 5. "*Tribal law is influential in the many areas of Iraq where state institutions are perceived as illegitimate and ineffective, and one of its key principles is the* ***attribution of collective guilt to the family or tribe*** *of the perpetrator of a crime. As a result, relatives of Islamic State members frequently are held vicariously responsible for crimes that they did not commit, leaving many people at risk for revenge killings*" (emphasis added); Lawfare, *Iraq's Harsh Approach to Punishing Islamic State 'Collaborators' Stands to Have Counterproductive Consequences*, 11 June 2018, https://bit.ly/2K3votp. See also, Financial Times, *Fears Mount for Abandoned Children of Iraq's ISIS Suspects*, 23 February 2019, https://bit.ly/2VKNGFj; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html; UNAMI, *Briefing to the Security Council by SRSG for Iraq Ján Kubiš, New York*, 17 July 2017, https://bit.ly/2RanIZk.

391 UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, pp. 11, 25.

392 "*In several towns, militia leaders have compelled local councils to invalidate the property rights of Sunnis on the grounds that they supported the Islamic State. The practice has led to major demographic changes in traditionally mixed Sunni-Shiite areas such as Hilla and Diyala*"; Washington Post, *As Iraq's Shiite Militias Expand Their Reach, Concerns about an ISIS Revival Grow*, 9 January 2019, https://wapo.st/2QJwJId.

393 Iraqi News, *Acts of Reprisal Rise Against ISIS Families in Mosul*, 24 April 2019, https://bit.ly/2IKZMLT; Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr, p. 2; The Atlantic, *After ISIS, Iraq Is Still Broken*, 2 August 2018, https://bit.ly/2M9P27T; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, pp. vi, 3, 6; CIVIC, *Mosul: Civilian Protection Challenges Post-ISIS*, May 2018, https://bit.ly/2PVzJoN, pp. 8-9; HRW, *Iraq: ISIS Suspects' Homes Confiscated*, 19 April 2018, www.ecoi.net/en/document/1430723.html; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, pp. 36-37; The New Arab, *Islamic State Families Struggle with Life after the 'Caliphate'*, 15 March 2018, https://bit.ly/2AaMxPc. For specific examples, see also UNHCR's monthly *Protection Updates*, available at: https://bit.ly/2zeBGms and UNHCR's previously issued *Centre & South Bi-Weekly Protection Updates*, available at: http://bit.ly/2jwuxJ4. Fear from reprisal acts is reported to be an obstacle for these families to returns to their home areas. "(…) *widows of Islamic State members* (…) *hoped to stay in the camp indefinitely because they believed that they and their children would be safer there than in their former homes in Hawija* [Kirkuk Governorate]*, where family members of Iraqis who joined the group are facing death threats, looting, and the destruction of their homes by fire or bulldozers*"; Lawfare, *Iraq's Harsh Approach to Punishing Islamic State 'Collaborators' Stands to Have Counterproductive Consequences*, 11 June 2018, https://bit.ly/2K3votp. "*Perhaps the most common and persistent threat to returnees' safety and well-being is the proliferation of violence and retributive acts perpetrated against returnees for their perceived links with ISIS*"; NRC/DRC/IRC, *The Long Road Home*, 27 February 2018, https://bit.ly/2D3uFZc, p. 15.

394 "*Individuals suspected of association with IS are frequently threatened with expulsion or forcibly evicted from their homes.* (…) *Many of these threats have followed written tribal agreements that identify specific individuals accused of association with IS and demand their temporary expulsion or permanent banishment from the community* (…)*"*; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 11. "(…) *on 12 October* [2017] *local authorities in cooperation with ISF, marked between 115 to 120 houses* [in Heet, Al-Anbar Governorate] *and informed families with alleged ISIL affiliations to leave the city within 72 hours*"; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 6. See also, ECFR, *Reconciliation in Sinjar after ISIS*, 31 October 2018, https://bit.ly/2P3B2x7; UNHCR*, Tribal Conflict Resolution in Iraq*, 15 January 2018, www.refworld.org/docid/5a66f84f4.html, p. 4 (and sources therein). For specific examples, see also UNHCR's monthly Protection Updates, available at: https://bit.ly/2zeBGms, and UNHCR's previously issued Centre & South Bi-Weekly Protection Updates, available at: http://bit.ly/2jwuxJ4.

395 "*In some instances, these families* [families with perceived ISIS affiliation] *were forced from their homes into camps by Iraqi armed forces or were forced into secondary displacement"*; HRW, World Report 2019 – Iraq, 17 January 2019, www.ecoi.net/en/document/2002196.html. *"Most of these families are living in camps that the international community built for families displaced by the fighting between Iraqi forces and ISIS between 2014 and 2017. Though these camps house 'regular' displaced families as well, they have become de facto prisons for these so-called 'ISIS families' "*; Just Security, *Iraq's So-Called "ISIS Families": Rounded Up, Vilified, Forgotten*, 14 November 2018, https://bit.ly/2PDPJMB. See also, UNHCR, *Iraq Protection Update – November 2018*, 30 November 2018, https://bit.ly/2FbJbiR, p. 2; The New Arab, *Awaiting Judgement: Meeting the Islamic State Families Held in Desert Camps*, 2 October 2018, https://bit.ly/2Q3Qi1R; HRW, *Families with ISIS Relatives Forced into Camps*, 4 February 2018, www.ecoi.net/en/document/1423562.html.

Since 2015, reprisal attacks against Sunni Arab civilians on account of their families or tribes' alleged support for ISIS at the hands of Yazidi armed groups in Sinjar District (Ninewa) have been reported. Civilians are reported to have been abducted and killed, while properties were looted and destroyed.[396]

Reports also describe IDP families associated with actual or perceived ISIS members being prevented from returning to their home areas.[397] Others were reported to be pressured to make "blood money" payments to the victims of ISIS before being allowed to return.[398] Families associated with actual or perceived ISIS members are reported to be subjected to stringent movement restrictions, including when seeking to leave IDP camps temporarily (e.g. to visit a hospital) or in the context of returns to their home areas.[399]

Despite underreporting due to stigma and fear of retaliation,[400] sexual harassment, rape and threat of rape, as well as sexual exploitation of women and girls at the hands of security actors is reported in IDP camps.[401] The use of sexual violence in this context is reported to be used to punish the women for

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396 "*The Yazidis collectively blame almost all their Arab neighbours (and Kurdish Sunnis) for, at best, failing to resist ISIS or, at worst, joining the group and contributing to its brutality*"; ECFR, Reconciliation in Sinjar after ISIS, 31 October 2018, https://bit.ly/2P3B2x7, p. 10. "*Relatives of victims told Human Rights Watch that on June 4, 2017, Yezidi forces detained and then apparently executed men, women, and children from eight Imteywit families who were fleeing fighting between the Islamic State (also known as ISIS) and Iraq's Popular Mobilization Forces (PMF) west of Mosul. Yezidi forces were also implicated in two other incidents of enforced disappearances of members of the Imteywit and Jahaysh tribes in late 2017*"; HRW, *Iraq: Yezidi Fighters Allegedly Execute Civilians*, 27 December 2017, www.refworld.org/docid/5a8eb08fa.html. See also, Foreign Policy, *Among Displaced Iraqis, One Group Is Worse Off than the Rest*, 29 April 2019, https://bit.ly/2J7jiBW; US Department of State, *2017 Report on International Religious Freedom – Iraq*, 29 May 2018, www.ecoi.net/en/document/1436875.html.

397 "*Families with perceived ties to IS were regularly prevented from returning to their homes or places of origin as a result of threats from neighbours, tribal and local authorities, and Iraqi forces, including the Popular Mobilization Units (PMU) and Tribal Mobilization militias*"; Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr, p. 2. "*Tribal leaders, security actors and communities continue to impede or deny permission to families with perceived links to extremists to return to areas of origin in Anbar, Kirkuk and Ninewa*"; UNHCR, *Iraq Protection Update – September 2018*, 30 September 2018, https://bit.ly/2K5WxMQ, p. 2. "(…) *tribes have imposed temporary bans on IS-affiliated returnees.* (…) *Under tribal law, these banned individuals can be killed if they return*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 11. "*The details of these orders* [issued by local and tribal authorities] *vary. Many simply bar the return of all women and children with a perceived affiliation to IS. Some allow the women of families with perceived ties to IS to return, but not their children. Others allow the women and their daughters to return, but not their sons. Some allow children with perceived ties to IS to return only if they are younger than a specified age.* (…) *Other orders from tribal and local authorities stipulate that the woman head of household or her daughters must remarry before she returns to her place of origin*"; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, pp. 34-35. See also, UNHCR, *Iraq Protection Update – January 2019*, 31 January 2019, https://bit.ly/2L1EYld, pp. 1, 2; DW, *Iraq: Uncertain Future for IS Families*, 1 February 2019, https://bit.ly/2XqI2tv; MEE, *Presumed Guilty: The Suspected IS Families in Iraq Blocked from Returning Home*, 17 January 2019, https://shar.es/aaMM5i; NRC/DRC/IRC, *The Long Road Home*, 27 February 2018, https://bit.ly/2D3uFZc, pp. 21-23; HRW, *Iraq: Displaced Families Blocked from Returning*, 24 June 2018, www.refworld.org/docid/5b87de304.html; HRW, *Iraq: Local Forces Banish ISIS Suspects' Families*, 26 April 2018, www.refworld.org/docid/5b39f2f70.html.

398 UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 11; Al-Monitor, *Tribal Laws Determine Fate of IS Families in Iraq*, 1 March 2018, https://bit.ly/2Ha2uZI.

399 "*At least 10,000 families – between 60,000 and 10,000 individuals – are currently living in these camps, which they are not free to leave unless they receive a 'green light' from all of the different security agencies and their respective databases*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 26. "*Families with perceived ties to IS living in IDP camps face severe restrictions on their movement. Some women and children are held in de facto detention in IDP camps; some are prevented from leaving by camp authorities; and others are unable to cross through checkpoints outside of the camps, either because they do not have their identity cards or fear they will be arrested*"; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, p. 24. See also, DW, *Iraq: Uncertain Future for IS Families*, 1 February 2019, https://bit.ly/2XqI2tv; The New Arab, *Awaiting Judgement: Meeting the Islamic State Families Held in Desert Camps*, 2 October 2018, https://bit.ly/2Q3Qi1R; Just Security, *"ISIS Widows"* and *"Boko Haram Wives": Overlooked Abuses in Iraq and Nigeria*, 23 August 2018, https://bit.ly/2xsq1Qf; HRW, *Families with ISIS Relatives Forced into Camps*, 4 February 2018, www.ecoi.net/en/document/1423562.html; Refugees International, *Guilt by Association: Iraqi Women Detained and Subject to Sexual Exploitation and Abuse*, October 2017, www.refworld.org/docid/59d371b04.html, p. 1.

400 See Section III.A.8 ("*Women and Girls with Certain Profiles or in Specific Circumstances*").

401 "*The confinement and discrimination these women face also renders them at increased risk of sexual exploitation, even compared to other displaced women. Many told* [that] *they have been pressured and coerced to have 'special relationship' with or to be the 'girlfriends' of men in positions of authority in the camps, to access basic goods needed for survival*"; Just Security, *"ISIS Widows"* and *"Boko Haram Wives": Overlooked Abuses in Iraq and Nigeria*, 23 August 2018, https://bit.ly/2xsq1Qf. According to Amnesty International, the primary perpetrators of sexual violence are security guards, military and militia personnel working in and nearby IDP camps; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, pp. 27-33. See also, Foreign Policy, *Among Displaced Iraqis, One Group Is Worse Off than the Rest*, 29 April 2019, https://bit.ly/2J7jiBW; DW, *Iraq:*

their association with actual or perceived ISIS members.[402] It has been reported that in IDP camps, families associated with actual or perceived ISIS members, and in particular female-headed households, have been denied humanitarian assistance, including food, water, non-food items and health care on account of their association.[403]

Families associated with actual or perceived ISIS members are reported to be unable to obtain the security clearance required to claim compensation,[404] or to issue or replace missing or expired civil documentation,[405] including civil ID cards, birth, absence and death certificates,[406] marriage and divorce certificates, welfare cards, and passports.[407] The lack of valid documentation affects their access to education and employment, their freedom of movement, and their ability to apply for welfare benefits, inherit property or remarry.[408] Women associated with actual or perceived ISIS members who go to the

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Uncertain Future for IS Families, 1 February 2019, https://bit.ly/2XqI2tv; UNSC, *Report of the Secretary-General Pursuant to Resolution 2367 (2017)*, S/2018/677, 9 July 2018, http://bit.ly/2HofifZ, para. 75; Refugees International, *Guilt by Association: Iraqi Women Detained and Subject to Sexual Exploitation and Abuse*, October 2017, www.refworld.org/docid/59d371b04.html, pp. 1-2.

402 "*Confined in the camps, women told* [that] *they have been specifically targeted for rape to punish and humiliate them for their alleged affiliations*"; Just Security, *"ISIS Widows"* and *"Boko Haram Wives": Overlooked Abuses in Iraq and Nigeria*, 23 August 2018, https://bit.ly/2xsq1Qf. "*Women with perceived IS ties appear to be at particular risk given their relative isolation from other families and their own relatives as well as armed actors' and other men's desire to punish these women for their alleged affiliation*"; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, p. 27. See also, VOA, *Report: Iraqi Forces Sexually Abuse IS Female Relatives in Mosul*, 17 February 2019, https://bit.ly/2EdRHuA.

403 Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, p. 20. See also, UNSC, *Report of the Secretary-General Pursuant to Resolution 2367 (2017)*, S/2018/677, 9 July 2018, http://bit.ly/2HofifZ, para. 75; HRW, *Families in Iraq with Alleged ISIS Ties Denied Aid*, 15 February 2018, www.refworld.org/docid/5a8eb1f54.html. See also Section II.F ("*Humanitarian Situation*").

404 "*Anyone related to someone listed in the database of ISIS suspects will not obtain the security clearance. Excluding families of suspected ISIS members from eligibility for compensation solely because of their familial tie constitutes a form of collective punishment*"; CIVIC, *"We Hope, but We Are Hopeless" – Civilians' Perceptions of the Compensation Process in Iraq*, 28 November 2018, https://bit.ly/2Dhi6ap, p. 18. See also, HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html; HRW, *Iraq: ISIS Suspects' Homes Confiscated*, 19 April 2018, www.ecoi.net/en/document/1430723.html. See also Section II.E.3.a ("*Availability of State Protection in Areas under Control of the Central Government*").

405 "*Iraqi families with perceived ISIS affiliation, usually because of their family name, tribal affiliation, or area of origin, were denied security clearances required to obtain identity cards and all other civil documentation*"; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html. See also, MEE, *Presumed Guilty: The Suspected IS Families in Iraq Blocked from Returning Home*, 17 January 2019, https://shar.es/aaMM5i; HRW, *Iraq: Families of Alleged ISIS Members Denied IDs*, 25 February 2018, www.refworld.org/docid/5a99176a4.html.

406 According to reports, family members of actual or perceived ISIS members who have been killed or disappeared are unable to obtain "*certificates of absence*", which is required for issuing a death certificate and accessing financial compensation. "*There are other pressing needs as well, related to the missing, including legal and financial needs. Iraqi law provides for something amounting to a "certificate of absence", issued by a Judge, based on police report. It is valid for three years, at the end of which a death certificate may be issued. Families are also provided compensation or reparation for the disappearance of their members. Preliminary research seems to indicate that certificates of absence are not provided to the families of suspected ISIL members who have disappeared, including for those who have disappeared following surrendering to Iraqi forces";* UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, paras 75-76. Women who are unable to obtain death certificates for their spouses are unable to inherit property or remarry; HRW, *Iraq: Families of Alleged ISIS Members Denied IDs*, 25 February 2018, www.refworld.org/docid/5a99176a4.html.

407 "*Security clearance is usually delivered after screening by the NSS, but anyone with an immediate relative whose name appears on a list of suspected ISIS members will fail the security check and be unable to obtain the security clearance document*"; CIVIC, *Mosul: Civilian Protection Challenges Post-ISIS*, May 2018, https://bit.ly/2PVzJoN, p. 8. See also, HRW, Iraq: Officials Threatening, Arresting Lawyers, 12 September 2018, www.refworld.org/docid/5ba0bd2e4.html; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, pp. 20-21; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, p. 22; HRW, *Iraq: Families of Alleged ISIS Members Denied IDs*, 25 February 2018, www.refworld.org/docid/5a99176a4.html.

408 "*They were also refused new or replacement identity cards and other civil documents, often meaning that they could not work, collect family pensions or send their children to school. In addition, their freedom of movement was severely restricted because of their lack of documentation or by camp authorities who prevented them from leaving camps, placing them in de facto detention*"; Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr. See also, Al Jazeera, *Iraq's Undocumented Children: 45,000 IDPs Denied Basic Rights*, 30 April 2019, https://aje.io/mchvn; DW, *Iraq: Uncertain Future for IS Families*, 1 February 2019, https://bit.ly/2XqI2tv; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html; CIVIC, *Mosul: Civilian Protection Challenges Post-ISIS*, May 2018,

offices of the Civil Status Directorates to enquire about civil documentation risk being arrested, unless they are accompanied by a lawyer.[409]

In some instances, families making enquiries about the fate of arrested or disappeared family members with alleged ISIS links are reported to have been threatened by security forces.[410]

c) Persons Providing Legal Services to ISIS Suspects and Families Associated with Actual or Perceived ISIS Members

Lawyers and others providing legal services to ISIS suspects and families related to actual or perceived ISIS members are reported to have been subjected to threats, harassment, and, in some cases, arbitrary arrest and criminal prosecution on terrorism charges by security and intelligence officials and government-affiliated forces.[411] As a result, legal representation for ISIS suspects and their family members is reported to have become very limited.[412]

Depending on the individual circumstances of the case, UNHCR considers that civilians falling into the following categories **are likely to be in need of international refugee protection** on the basis of their imputed political opinion, their religious or ethnic identity, and/or other relevant grounds:

a) Sunni Arab and Sunni Turkmen men and boys of fighting age, who lived in an area under ISIS control and/or where ISIS maintains a presence;

b) Women and children associated with real or perceived ISIS members on account of their family or tribal relations.

UNHCR further considers that persons falling in the following categories **may be in need of international refugee protection** on the basis of their imputed political opinion, their religious or ethnic identity, and/or other relevant grounds, depending on the individual circumstances of the case:

a) Other Sunni Arabs and Sunni Turkmen, including on account of having lived in an area under ISIS control and/or where ISIS maintains a presence, or because they share a tribal or familial affiliation with an area formerly under ISIS control and/or with a continued ISIS presence;

b) Persons providing legal services to ISIS suspects and families associated with real or perceived ISIS members.

In view of the need to maintain the civilian and humanitarian character of asylum, applications for international refugee protection by armed elements should not be considered unless it has been established that they have genuinely and permanently renounced military activities.[413] Claims by former

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https://bit.ly/2PVzJoN, p. 9; HRW, *Iraq: Families of Alleged ISIS Members Denied IDs*, 25 February 2018, www.refworld.org/docid/5a99176a4.html.

409 HRW, *Iraq: Families of Alleged ISIS Members Denied IDs*, 25 February 2018, www.refworld.org/docid/5a99176a4.html.

410 HRW, *Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017*, 27 September 2018, www.ecoi.net/en/document/1444517.html, p. 62.

411 According to HRW, services provided by lawyers included "*defending people against terrorism charges and assisting families who lived under ISIS control to get the civil documentation they need to live in government-controlled areas, an well as for welfare benefits (known as Public Distribution System or PDS cards) that they lost during their time under ISIS*"; HRW, *Iraq: Officials Threatening, Arresting Lawyers*, 12 September 2018, www.refworld.org/docid/5ba0bd2e4.html. "*Local staff at international and local organizations are often intimidated, harassed, and accused of affiliation themselves when they try support perceived affiliates, resulting in extreme reluctance on their part to engage in such cases*"; InterAction, *Moving Forward Together, Leaving no One Behind*: *From Stigmatization to Social Cohesion in Post-Conflict Iraq*, 31 October 2018, https://bit.ly/2r2TtZg, p. 6. See also, Just Security, *Iraq's So-Called "ISIS Families": Rounded Up, Vilified, Forgotten*, 14 November 2018, https://bit.ly/2PDPJMB; The New Arab, *Awaiting Judgement: Meeting the Islamic State Families Held in Desert Camps*, 2 October 2018, https://bit.ly/2Q3Qi1R; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, p. 23; Rise Foundation, *Mosul and Tel Afar Context Analysis*, December 2017, https://bit.ly/2CzJSwU, p. 29.

412 HRW, *Iraq: Officials Threatening, Arresting Lawyers*, 12 September 2018, www.refworld.org/docid/5ba0bd2e4.html; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, p. 23.

413 UNHCR Executive Committee, *Conclusion on the Civilian and Humanitarian Character of Asylum, No. 94 (LIII) - 2002*, 8 October 2002, www.refworld.org/docid/3dafdd7c4.html. For guidance on how to establish the genuineness and permanence of

armed elements, may, furthermore, give rise to the need to examine possible exclusion from refugee status.

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.[414] 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.[415]

2) Persons Associated with, or Perceived as Supportive of, the Government

In an apparent effort to undermine security and the functioning and overall legitimacy of the Government, and despite having lost territorial control and its ability to systematically target persons of this profile, it has been reported that ISIS continues to regularly target civilians associated with, or perceived to be supporting, the Iraqi Government.[416] These civilians are reported to be subjected to intimidation, abduction and assassination, including by the use of IEDs on roads, magnetic bombs attached to vehicles and grenades hurled against homes.[417] Attacks against persons of this profile occur particularly, but not exclusively, in areas retaken from ISIS where the group maintains a presence.[418] Those targeted by ISIS include in particular:[419]

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renunciation, see, by analogy, UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, www.refworld.org/docid/452b9bca2.html.

414 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*, HCR/GIP/09/08, 22 December 2009, www.refworld.org/docid/4b2f4f6d2.html, paras 58-64.

415 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.

416 "*Through 2018, dozens of village chiefs have been killed across northern Iraq in assassinations, bombings, and kidnappings. At least thirteen have been killed since December, including four in Mosul. The assassins travel in small groups under the cover of darkness and know exactly which houses to target. They enter villages with names in hand, sometimes dressed in military uniform; the lucky ones are the locals who get a warning to cut their links with the government.* (…) *In recent months, scores of houses belonging to military and militia officers and locals who connect villages to state authorities have been burned or reduced to rubble*"; The New York Review of Books, Undefeated, ISIS Is Back in Iraq, 13 February 2019, https://bit.ly/2GJfHsy. "*Much of this* [ISIS'] *strategy has focused on a combination of attempting to reassert tacit control over rural areas* ***while simultaneously targeting key political and symbolic figures associated with the Iraqi state.***" According to Michael Knights of the Washington Institute for Near East Policy, "[S]*ince the era when ISIS controlled territory, they've been trying to get rid of the people who would eventually hunt them down. They're killing village headmen, tribal leaders, the new sahwa [an informal tribal organization allied against the Islamic State], and the Popular Mobilization Units.*" According to Hassan Hassan of the Tahrir Institute for Middle East Policy, "[T]*hey're going after people who matter to the Iraqi state*" (emphasis added); Foreign Policy, *ISIS 2.0 Is Really just the Original ISIS*, 3 April 2018, https://bit.ly/2uJSPor. See also, UNAMI, *Report on Human Rights in Iraq: January to June 2017*, 14 December 2017, www.refworld.org/docid/5a746d804.html, p. *ix*.

417 Iraqi News, *Child Wounded in Suicide Attack Against Former Official's House, South of Nineveh*, 17 December 2017, http://bit.ly/2nyW4bh; Iraqi News, *Family of 8 Killed, Wounded in Islamic State Attack in Anbar*, 10 October 2017, http://bit.ly/2Fw9BHX; Iraqi News, *Policeman's Wife Injured in Bomb Blast Western Baqubah*, 22 July 2017, http://bit.ly/2nunajI.

418 "*The* [ISIS] *militants are asserting control of towns and taxing them, and attacking those that don't cooperate. There are monthly reports of crops being burned, livestock being killed, kidnappings, houses being destroyed, etc. There are also attacks upon checkpoints and local security forces*"; Musings on Iraq, *Violence Remained Steady in Iraq August 2018*, 3 September 2018, https://bit.ly/2CU5uZI. "*Over the past two months, dozens of people, including local government officials, tribal elders and village chiefs, have been abducted and killed or ransomed by fighters claiming affiliation with the Islamic State*"; Washington Post, *ISIS Is Making a Comeback in Iraq just Months after Baghdad Declared Victory*, 17 July 2018, https://wapo.st/2OclDLi. See also, AP, *Islamic State Haunts Northern Iraq Months after Its Defeat*, 28 March 2018, https://abcn.ws/2urBsIN; Al-Monitor, *Kirkuk not as Liberated from IS as Claimed*, 26 February 2018, https://bit.ly/2COxity.

419 "*Last month* [in September 2018]*, Daesh fighters stormed the northern Iraqi village of Gharib, killing three and wounding nine after residents refused to collaborate with them and give them supplies such as food and ammunition. Last week, Daesh attacked the village of Saadiyeh, south of Mosul, killing three and abducting one. The group regularly stages attacks in villages in the provinces of Diyala, Salahuddin and Kirkuk and elsewhere, targeting officials or police because they work for the state*"; AP, *Daesh Reverting to Insurgency Tactics*, 13 October 2018, http://bit.ly/2AcATU0. "*IS militants also target their attacks against civilians primarily at Shiites; Sunni tribesmen perceived as close to government-aligned militias; people believed to be collaborating with Iraqi security forces; and individuals who represent local governance structures, including government officials,*

- **Government officials**, particularly at the municipal levels.[420] Former government officials may in some cases remain at risk of attack.[421]
- **Civil servants**, in particular at the local level administration.[422] In addition, it has been reported that government-appointed judges and prosecutors, particularly those concerned with cases under the Anti-Terrorism Law, are targeted by ISIS and other armed groups.[423]
- **Political party members** across the political spectrum. Attacks against party members regularly intensify in the run-up to elections as ISIS seeks to discredit the government and disrupt the political process and functioning of the state.[424]

village chiefs, and tribal elders"; ACLED, *The Reconstitution of the Islamic State's Insurgency in Central Iraq*, 5 July 2018, https://bit.ly/2Rj6xWA. ISIS has reportedly claimed responsibility for attacks against persons of this profile; however, it is not always possible to establish the perpetrators and their motives for targeting persons of this profile. Other actors may also target persons of these profiles.

420 According to Michael Knights, an Iraq military analyst and senior fellow at the Washington Institute, "*IS insurgents have killed an average of 8.4 village heads per month since January 2018*"; VOA, *IS Signals Re-Emergence in Parts of Iraq*, 5 December 2018, https://bit.ly/2El8qOn. See also, AP, *IS Move from Syria to Iraq, Destabilize Country's Security Say Officials*, 23 February 2019, https://bit.ly/2SXuLdc; Rudaw, *In the Plains of Northern Iraq, Familiar Shadows Roam and Kill*, 20 February 2019, https://bit.ly/2VoDlct; The New York Review of Books, *Undefeated, ISIS Is Back in Iraq*, 13 February 2019, https://bit.ly/2GJfHsy; UNSC, *Implementation of Resolution 2421 (2018)*, 1 February 2019, https://bit.ly/2H5licP, para. 36; CIVIC, M*osul: Civilian Protection Challenges Post-ISIS*, May 2018, https://bit.ly/2PVzJoN, p. 5; The Atlantic, *ISIS Never Went Away in Iraq*, 31 August 2018, https://bit.ly/2LMzcPw. For reported attacks against government officials at the **district and municipal levels**, see e.g., Rudaw, *ISIS Militants Execute Iraqi Mukhtars, Militiamen in New Video*, 14 April 2019, https://bit.ly/2VuWClo; NINA, *An Explosive Device Exploded in Front of a Mukhtar Office South of Kirkuk Without Casualties*, 20 March 2019, http://bit.ly/2WdQACt; NINA, *Daesh Kidnapped /15/ Civilians, Including a Mukhtar in Two Incidents South of Kirkuk*, 24 December 2018, https://bit.ly/2AxQywM; NINA, *Daesh Attack a Village in Mosul and Kidnap its Mukhtar*, 4 December 2018, https://bit.ly/2QCYxCW; NINA, *A Mukhtar Killed by Gunmen Fire West of Mosul*, 25 November 2018, https://bit.ly/2BCJnEz; NINA, *Daesh Attacks the Village of the Governor of Kirkuk with Seven Mortar Shells*, 16 November 2018, https://bit.ly/2KmF6bg; NINA, *Mukhtar of a Village Killed by Daesh, West of Kirkuk*, 3 November 2018, https://bit.ly/2S3jqU3. For reported attacks against government officials at **the provincial and central levels**, see e.g., Xinhua, *Provincial Governor Escapes Bomb Explosion in Central Iraq*, 1 November 2018, https://bit.ly/2SCQkQp; Musings on Iraq, *March 2018 the Return of the Islamic State Insurgency*, 2 April 2018, https://bit.ly/2GOZyyU; NINA, *MP Escapes an Assassination Attempt, East of Baquba*, 25 March 2018, https://bit.ly/2KuQ3q7; Anadolu Agency, *Iraqi Local Council Member Survives Assassination Bid*, 23 February 2018, https://bit.ly/2q1Ydye.

421 See e.g. Reuters, *Suicide Attack Kills Six Sunni Fighters in Northern Iraq: Police*, 22 August 2018, https://reut.rs/2N7Uqci; Baghdad Post, *Ex-Najaf Governor Survives Assassination Attempt*, 7 April 2017, http://bit.ly/2rXNNTH.

422 See e.g. NINA, *Gunmen Assassinate a Government Employee Northeast of Baquba*, 3 April 2019. https://bit.ly/2GvNfsj; NINA, *Gunmen Kill a Service Worker in Mosul*, 21 February 2019, https://bit.ly/2UdZsYp; Arab News, *Multiple Explosions Kill 6, Wound Several in Baghdad*, 7 November 2018, https://bit.ly/2RGxRgq; NINA, *An Employee Killed in a Sticky Bomb Exploded South of Kirkuk*, 15 August 2018, https://bit.ly/2MvNDMh; NINA, *The Director of the Office of the Electoral Commission in Diyala Survived an Assassination Attempt*, 1 May 2018, https://bit.ly/2IoHTPh; Kurdistan 24, *One Person Killed in Western Baghdad Car Bomb Blast*, 24 January 2018, http://bit.ly/2DMFhfM; Iraqi News, *Public Servant Wounded in Car Bomb Blast in Baghdad*, 21 January 2018, http://bit.ly/2nnTndc; Xinhua, *4 Killed in Attacks in Eastern Iraq*, 20 January 2018, http://bit.ly/2DRN9Nm; NINA, *3 People Killed in 2 Separate Incident in Diyala*, 17 January 2018, http://bit.ly/2Ert4KI; NINA, *The Director of Agriculture of Saadiya and His Brother Kidnapped Northeast of Baquba*, 5 January 2018, http://bit.ly/2rUEdkC.

423 New York Times, *These Iraqi Farmers Said no to ISIS. When Night Came They Paid the Price*, 2 May 2018, https://nyti.ms/2FCWV1A; VOA, *Islamic State Trials: Iraqi Judges Seek Justice amid Disorder, Danger*, 19 January 2018, http://bit.ly/2F1HgJB; Kurdistan 24, *Three Lawyers Working on IS-Related Cases Killed in Iraq*, 2 January 2018, http://bit.ly/2ovP1Bq.

424 In the month leading up to the 12 May 2018 parliamentary elections, Iraqi media reported more than 15 assassination attempts against candidates or election officials; Kurdistan 24, *Gunmen Assassinate Kirkuk University Professor Planning to Run in May Elections*, 6 February 2018, http://bit.ly/2HJUdtD. See also, The Atlantic, *Sunni Participation in Iraq's Upcoming Election is an Existential Threat for ISIS*, 10 May 2018, https://theatln.tc/2ILAFs1; EPIC, *ISHM: May 4-10, 2018*, 10 May 2018, https://bit.ly/2IOoGKx; EPIC, *ISHM: April 27 - May 3, 2018*, 3 May 2018, https://bit.ly/2Ku4smk; VOA, *Islamic State Declares War on Iraq's General Elections*, 20 April 2018, https://bit.ly/2HI7eqn.

- **Members of the ISF, affiliated forces and the *Peshmerga***.[425] There have also been reports of targeted attacks against former members of the Iraqi Army.[426]
- **Civilians suspected of cooperating with the ISF, affiliated forces or the *Peshmerga*, or refusing to cooperate with ISIS**.[427]
- **Tribal leaders and members of tribes associated with the government**.[428]

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425 "*ISIL continued to kill and wound civilians, **police and members of popular mobilization forces** in Diyala, Kirkuk, Ninawa and Salah al-Din Governorates*" (emphasis added); UNSC, *Implementation of Resolution 2421 (2018)*, 31 October 2018, https://undocs.org/S/2018/975, para. 44. "*As part of their tactics to assert control over rural communities, ISIS often targets local PMF fighters, their families* (…)"; The Intercept, *ISIS Has not Vanished. It Is Fighting a Guerrilla War Against the Iraqi State*, 16 September 2018, https://interc.pt/2MA8Dhb. "*According to security officials, since Abadi's victory declaration* [in December 2017]*, ISIS has killed scores of soldiers*"; ICG, *Iraq's Paramilitary Groups*, 30 July 2018, https://bit.ly/2T2VLrS, p. 16. For reported incidents in March and April 2019 (not comprehensive), see e.g., Rudaw, *ISIS Kill PUK Asayesh Member in Makhmour*, 1 May 2019, https://bit.ly/2VfG9Ta; NINA, *2 Policemen Wounded by IED's Explosion South of Kirkuk*, 29 April 2019, https://bit.ly/2ZMLEqL; Iraqi News, *Unknown Gunmen Shoot Iraqi Soldier Dead in Diyala Province*, 23 April 2019, https://bit.ly/2IHiIuW; Iraqi News, *Bomb Attack Kills Two Policemen, Including Captain, in Mosul*, 20 April 2019, https://bit.ly/2VqTTti; Iraqi News, *Roadside Bomb Wounds Five Iraqi Soldiers in Western Iraq*, 16 April 2019, https://bit.ly/2GIydRr; Iraqi News, *4 Paramilitary Fighters Injured by ISIS Attack on Khanaqin*, 13 April 2019, https://bit.ly/2W7DxD1; Kurdistan 24, *Explosion Wounds Two Iraqi Policemen in Diyala*, 13 April 2019, https://bit.ly/2ZtlDwA; Xinhua, *4 Security Members Killed in Attacks in Iraq*, 11 April 2019, https://bit.ly/2UGPnT1; NINA, *IED Explodes on a Patrol of Federal Police in Hawija District, Kirkuk, Injuring a Number of Police*, 11 April 2019, https://bit.ly/2ZshZDj; NINA, *3 Fighters of the PMF Injured by IED North of Babylon*, 10 April 2019, https://bit.ly/2IPCtjv; NINA, *Two Policemen Wounded by a Roadside Bomb Near Hawija*, 9 April 2019, https://bit.ly/2UXhUsv; NINA, *One Soldier Killed, Another Wounded in IED's Explosion, South of Baquba, Diyala*, 9 April 2019, https://bit.ly/2UXiOVV; NINA, *Two Members of the Popular Crowd Were Injured when a Bomb Exploded in Babylon*, 6 April 2019, https://bit.ly/2Dy4KYl; Iraqi News, *Four Policemen Killed, Wounded in Armed Attack in Iraq's Diyala*, 3 April 2019, https://bit.ly/2UTaPZW; NINA, *2 Soldiers Wounded in a Bomb Explosion South of Baquba*, 1 April 2019, https://bit.ly/2W6RelQ; Iraqi News, *Islamic State Sniper Guns Down Iraqi Soldier in Diyala Province*, 26 March 2019, https://bit.ly/2UX4tbY; Iraqi News, *Iraqi Soldier Killed, Two Wounded in Armed Attack in Northern Baghdad*, 19 March 2019, https://bit.ly/2vkiUb1; NINA, *Three Elements of the Popular Crowd Killed, and the Wounding of a Fourth in an Ambush by Daesh Elements West of Kirkuk*, 19 March 2019, https://bit.ly/2W1A5tr; NINA, *A Police Officer Was Injured when an Explosive Device Exploded South of Kirkuk*, 14 March 2019, http://bit.ly/2TPjgFg; NINA, *Two Elements of the Tribal Crowd Killed West of Kirkuk*, 14 March 2019, http://bit.ly/2TT9jqo; Iraqi News*, Bomb Blast Kills Two Iraqi Paramilitary Fighters in Baghdad*, 9 Mach 2019, http://bit.ly/2Onq2ME; Reuters, *Militants Kill Seven Iraqi Shi'ite Paramilitaries in Northern Iraq*, 7 March 2019, https://reut.rs/2NMZXWS; Xinhua, *Policeman Killed, 3 Injured in Bomb Attack in Eastern Iraq*, 6 March 2019, https://bit.ly/2VFaqq2; NINA, *An Officer Killed when a Roadside Bomb Exploded West of Kirkuk*, 2 March 2019, https://bit.ly/2H3AmIH.

426 See e.g. Iraqi News, *Former Iraqi Military General Assassinated by Islamic State in Kirkuk*, 1 February 2018, http://bit.ly/2rYDP4D; NINA, *Gunmen Kidnapped a Former Army Employee North of Babylon*, 26 December 2017, http://bit.ly/2E8ezO0; Baghdad Post, *IMIS Terrorists Assassinate Former Iraqi Officers Involved in War on Iran*, 23 February 2017, http://bit.ly/2nyxmru.

427 See e.g. Kurdistan 24, *ISIS Continues to Threaten Iraq's Disputed Territories; Locals Forced to Pay 'Taxes'*, 10 April 2019, https://bit.ly/2L7Iive; AP, *IS Move from Syria to Iraq, Destabilize Country's Security Say Officials*, 23 February 2019, https://bit.ly/2SXuLdc; Rudaw, *In the Plains of Northern Iraq, Familiar Shadows Roam and Kill*, 20 February 2019, https://bit.ly/2VoDIct; Asharq Al-Awsat, *ISIS Executes Civilians over Cooperation with Iraqi Army*, 27 October 2018, https://bit.ly/2SpTxPc; NINA, *Daesh Kidnap Two Civilians, South of Kirkuk on Charges of Cooperating with Security Forces*, 17 September 2018, https://bit.ly/2xA3Qrb; PBS, *ISIS Returns to Iraq, and a Town Confronts a New Wave of Terror*, 16 September 2018, https://to.pbs.org/2Nih8CD; The Intercept, *ISIS Has not Vanished. It Is Fighting a Guerrilla War Against the Iraqi State*, 16 September 2018, https://interc.pt/2MA8Dhb; NINA, *Daesh Killed 21 Cows in Retaliation for the Villagers of the Agricultural Village near Al-Edhaim for Refusing to Cooperate with the Organization*, 24 August 2018, https://bit.ly/2O9q9dy; NINA, *Daesh Detonated Two Houses Inside a Residential Complex South of Kirkuk*, 23 August 2018, https://bit.ly/2CLqPET; NINA, *Residents of a Village in Hawija Displaced due to Threats Received from Daesh*, 9 August 2018, https://bit.ly/2MA90cf. See also Section II.E.2.a ("*Human Rights Abuses by ISIS*").

428 It has been reported that ISIS does not differentiate between armed and civilian members of tribes. "*ISIS's Salah al-Din Province in Iraq distributed a video entitled 'You Had Better Stop.' The video shows an ISIS operative who refers to attacks carried out by ISIS against the Sunnis in Iraq, mainly against the Sunni tribespeople, including the Shammar tribe (the largest tribe in western Iraq). According to the operative, the reason for these attacks is the collaboration with the Iraqi army, the police and the Tribal Mobilization forces in fighting against ISIS. The speaker threatened the Sunnis in Iraq not to cooperate with the 'infidel Shiite regime'* "; The Meir Amit Intelligence and Terrorism Information Center, *Spotlight on Global Jihad (August 30 – September 5, 2018)*, 6 September 2018, https://bit.ly/2NAoJf3. "*In a village near the Sunni town of Shirqat, south of Mosul, Islamists stormed the house of a tribal sheikh who led a Sunni militia that had fought against the militants, killing him, his son and two guests*"; Reuters, *Islamic State Attacks Kill 10 in Northern Iraq – Police*, 12 March 2018, https://reut.rs/2KzEZrV. "*Attacks upon tribal leaders are important because it was one of the main ways the Islamic State made its comeback after 2008 by eliminating local leaders and intimidating tribes*"; Musings on Iraq, *Security in Iraq, Jan 1-7, 201*8, 9 January 2018, http://bit.ly/2noVeyG. See also, Rudaw, *Tribal Leader Killed in Mosul Roadside Bombing*, 10 April 2019, https://bit.ly/2UC0UD7; NINA, *A Clan Sheikh Killed and the Wounding of His Brother in a Raid on a Village in Kirkuk*, 30 March 2019, https://bit.ly/2Vn1N6R; NINA, *Daesh Exploded a Number of Houses in Southwest Kirkuk Without Casualties*, 1 March 2019, https://bit.ly/2UlUR6s; AP, *IS Move from Syria to Iraq,*

According to reports, political party members and election candidates have also been targeted by actors other than ISIS, including as a result of political and/or sectarian rivalries or ideological differences, e.g. between parties split along sectarian lines in the disputed areas, between secular and Shi'ite Islamist parties, or as a result of intra-Shi'ite competition.[429]

It has been reported that, in some instances, family members, drivers and bodyguards have also been targeted on account of their association with individuals with the above profiles.[430]

Based on the preceding analysis, UNHCR considers that in areas where ISIS maintains a presence, persons associated with, or perceived as supportive of, the Iraqi Government, **are likely to be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, religion, or other relevant grounds, depending on the individual circumstances of the case. Such persons include:

- Government officials;
- Civil servants, including government-appointed judges and prosecutors, and employees of State-owned companies;
- Political party members;
- Members[431] of the ISF, affiliated forces and *Peshmerga*;
- Civilians suspected of cooperating with the ISF, affiliated forces or the *Peshmerga*;
- Tribal leaders and members of tribes associated or perceived to be associated with the government.

Former government officials and former members[432] of the ISF, affiliated forces and *Peshmerga* as well as family members of individuals associated with, or perceived as supportive of, the Iraqi Government, may also be in need of international protection, depending on the individual circumstances of the case.

Destabilize Country's Security Say Officials, 23 February 2019, https://bit.ly/2SXuLdc; Al-Monitor, *IS Targets Truffle Hunters Across Sunni Regions*, 22 February 2019, http://almon.co/36b9; UNSC, *Implementation of Resolution 2421 (2018)*, 1 February 2019, https://bit.ly/2H5licP, para. 36; NINA, *A Tribal Figure Kidnapped from his Home Northeast of Baquba*, 30 November 2018, https://bit.ly/2S9JU6W; AFP, *Seven Shepherds Killed as Daesh 'Danger' Grips Iraqi Desert*, 20 June 2018, https://bit.ly/2KA2XTV; NINA, *Daesh Kill 2 Fighters of the Tribal Mobilization, Burn a Tribal Elder's House and Injure 2 of His Nephews in Kirkuk*, 15 May 2018, https://bit.ly/2LyDAmm; New York Times, *These Iraqi Farmers Said no to ISIS. When Night Came They Paid the Price*, 2 May 2018, https://nyti.ms/2FCWV1A.

429 In the multi-ethnic disputed areas, political parties reportedly compete along sectarian lines and some attacks may be attributed to political rivalries. For example, in the town of Tuz Khurmatu, the homes of Kurdish politicians who had supported the Kurdish independence referendum in September 2017 were reportedly targeted for destruction by Turkmen PMF; Los Angeles Times, *Tuz Khurmatu is Iraq's City of Walls. Is it a Sign of the Country's Future?*, 11 March 2018, http://lat.ms/2IlnE5h. Members of the political alliance between the Shi'ite Sadr Movement and the Iraqi Communist Party (*"Al-Sairoon"*) have reportedly been targeted by Shi'ite Islamist groups; Anadolu Agency, *Unknown Attackers Target Sadr-Linked Sites in S. Iraq*, 15 May 2018, https://bit.ly/2zUcylW; MEE, *Iraqi Communists and Shia Sadrists Unite to Tackle Corruption and Sectarianism*, 28 February 2018, https://shar.es/1LGNSz; The New Arab, *Shia Militia 'Launches Grenade Attack on Iraqi Communists'*, 11 April 2017, http://bit.ly/2tIlUQi; Niqash, *Iraq's Religious Militias Push Back Against a Communist Revival*, 17 March 2017, http://bit.ly/2Gb9vXR. On political rivalries between the Sadrist Movement and pro-Iranian Shi'ite parties, which occasionally results in attacks against members and offices of political parties, see ISW, *Iraq Situation Report: February 11-16, 2017*, 16 February 2017, http://bit.ly/2FCSlS1; ISW, *Iraq Situation Report: February 2-10, 2017*, 10 February 2017, http://bit.ly/2CIEabz.

430 See e.g. Bas News, *IS Attacks Village Chieftain Home near Khanaqin, Kidnaps One*, 13 December 2018, https://bit.ly/2UUPonR; NINA, *Gunmen Assassinate Mukhtar's Son Northeast of Baquba*, 16 November 2018, https://bit.ly/2PGBs1V; The Intercept, *ISIS Has not Vanished. It Is Fighting a Guerrilla War Against the Iraqi State*, 16 September 2018, https://interc.pt/2MA8Dhb; Iraqi News, *IS Kills Security Leader, Seven of His Family Members, South of Mosul*, 30 August 2018, https://bit.ly/2NzyWbK; Reuters, *Four Members of Iraqi Election Worker's Family Killed*, 25 June 2018, https://reut.rs/2tFfNKd; NINA, *Two Civilians Kidnapped in Western Kirkuk*, 5 February 2018, http://bit.ly/2GLJvRS.

431 "*Members*" refers to personnel who served in the ISF at the time of their flight from Iraq, and who fear harm on account of their former position in the army should they return to Iraq (provided they have genuinely and permanently renounced military and armed activities at the time of their asylum application).

432 "*Former members*" refers to former military personnel who no longer were on active duty at the time of their flight from Iraq.

In other parts of the country, UNHCR considers that persons associated with, or perceived as supportive of, the Iraqi Government, **may be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, religion, or other relevant grounds, depending on the individual circumstances of the case.

In view of the need to maintain the civilian and humanitarian character of asylum, applications for international refugee protection by armed elements should not be considered unless it is established that they have genuinely and permanently renounced military and armed activities.[433] Claims by police officers, former soldiers and tribal fighters may furthermore give rise to the need to examine possible exclusion from refugee status.[434]

3) Persons Opposing, or Perceived to Be Opposing, the Government or those Affiliated with the Government

Individuals who criticize or are perceived to criticize government officials, politicians or others with political influence, or who allege government abuse or corruption are reported to have been targeted by state and state-affiliated actors, including influential government and party officials, their security staff, and affiliated armed groups.[435] Forms of targeting are reported to include intimidation, harassment, physical attacks, arbitrary arrest and politically motivated criminal prosecution (e.g. on defamation charges), abduction and, in some instances, killing. Those falling under this profile include in particular

433 UNHCR Executive Committee, *Conclusion on the Civilian and Humanitarian Character of Asylum, No. 94 (LIII) - 2002*, 8 October 2002, www.refworld.org/docid/3dafdd7c4.html. For guidance on how to establish the genuineness and permanence of renunciation, see UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, www.refworld.org/docid/452b9bca2.html.

434 See Section III.D ("*Exclusion Considerations*").

435 For examples of targeting by these actors, see sources in subsequent footnotes.

media professionals;[436] civil society activists[437] and protestors;[438] the profiles of whom may also overlap, as well as law enforcement and judicial officials engaged in combatting corrupt practices.[439] The

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436 According to the Director of the Iraqi Journalists Rights Defence Association (IJRDA), Ibrahim al-Sarraj, "*most attacks against journalists are committed by state officials, military or police forces or armed groups outside the umbrella of the state.*" And further: "*When a journalist writes about corruption within a ministry, the person will face attacks either by the minister, his security guards or by members of his clan. We have documented many cases*"; The New Arab, *Journalists Fight to Survive in Iraq, Dreaming of a Career Beyond War Reporting*, 12 June 2018, https://bit.ly/2zkTWL3. See also, Gulf Centre for Human Rights (GC4HR), *Iraq: and Iraqi Kurdistan: Targeting of Activists and Journalists Continues*, 14 March 2019, http://bit.ly/2W05DjdI; Committee to Protect Journalists (CPJ), *Iraqi Militias Use Threats, Violence to Keep Basra Press in Line*, 19 February 2019, http://bit.ly/2F6pfet; Baghdad Post, *Alaa Mashzoub, the Novelist Whose Words Killed Him*, 3 February 2019, https://bit.ly/2TtG5dq; CPJ, *Iraqi Authorities Shut Down Internet, Detain and Assault Journalists amid Protests*, 14 September 2018, https://cpj.org/x/7440; Iraqi News, *Iraqi Media Figure Arrested for Insulting Judiciary: Spokesman*, 28 June 2018, https://bit.ly/2NcmOKS; Reporters Sans Frontières (RSF), *Covering Corruption Exposes Journalists to Arrest in Iraq*, 12 June 2018, www.ecoi.net/en/document/1435510.html; International Federation of Journalists (IFJ), *Iraq: A Journalist Arrested again for Being Critical of the Government*, 14 February 2018, https://bit.ly/2Rmmgnr; CPJ, *Iraqi Authorities Arrest Samir Obeid at Baghdad Checkpoint*, 6 February 2018, https://cpj.org/x/7132; CPJ, *Dijlah TV: Unknown Assailants Set Fire to Baghdad Bureau*, 10 January 2018, https://cpj.org/x/70cd. See also Section III.A.6 ("*Journalists and other Media Professionals*").

437 "*Enforced disappearance is also used against human rights activists and journalists in order to silence them if they denounce the violations committed by the authorities and affiliated militias. Moreover, speaking out about enforced disappearances leads to reprisals by the authorities.*" And further: "*Journalists and Human Rights activists' right to freedom of expression is highly restricted and they continue to be harassed and subjected to reprisals. Forms of reprisals include the practice of enforced disappearance, arbitrary detention, and torture*"; Alkarama, *Universal Periodic Review Iraq – Submission to the Stakeholders' Summary*, 28 March 2018, https://bit.ly/2IHhpMH, para. 41. "*It is likely that the abduction of the seven students* [in Baghdad in May 2017] *is directly related to their civic activism, both in participating in demonstrations or criticizing negative phenomena in Iraqi society*"; ICSSI, *Iraqi Activists Demand Those who Abducted 7 Students Because of their Civil Activism Be Held Accountable – International Solidarity Is Needed*, 11 May 2017, http://bit.ly/2GQGrVl. "(…) *many are afraid of speaking out* [against corruption] *for fear of incurring the wrath of the country's militias, who are often linked to parliamentarians and government ministers*"; MEE, *Seven Anti-Corruption Activists Kidnapped in Baghdad*, 9 May 2017, https://shar.es/1L7LGX. "*Civil society activists, especially those working on religious and minority rights and women human rights defenders faced increasing threats, torture and ill treatment from militant Islamist groups and state actors*"; Civicus, *Civil Society Watch Report*, June 2016, https://bit.ly/2pwsl4L, p. 11. See also, Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html; Rudaw, *Iraq Arrests Kurdish Activist for Protesting Militarization of Kirkuk*, 16 October 2018, https://bit.ly/2pX9Rdr; Qantara.de, *Murder and Kidnapping in Iraq: An Inexorable Tide*, 23 February 2018, http://bit.ly/2HrPNqm; AFP, *Iraqi-US Anti-Corruption Activist Jailed for Defamation*, 10 February 2018, http://bit.ly/2Hh7RTK.

438 On a number of occasions, protests over corruption, unemployment, and lack of public services are reported to have been met with excessive force by security forces, including the use of live ammunition. During protests in Basrah and other parts of southern Iraq in the summer of 2018, some of which erupted into clashes with security forces, protestors were reportedly subjected to threats, physical assaults and arbitrary arrests and abductions by ISF and affiliated forces as well as by elements linked to influential political parties. According to Mehdi al-Tamimi, the head of Iraq's Human Rights Commission in Basrah, security forces "*directly opened fire on protesters*" and a protester was "*subjected to electric shocks by security forces*"; Reuters, *Protester Killed in Basra during Clashes with Security Forces*, 4 September 2018, https://reut.rs/2FfmryX. "*Security forces used curfews, tear gas, and live ammunition to suppress a series of protests against corruption and poor infrastructure in Basra that began in July 2018 and continued as of December. Scores of people were arrested or injured, and at least 15 were killed*"; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html. According to reports, several protest leaders/activists have been singled out for killing, including activist and protest organizer Suad Al-Ali, who was killed in Basrah on 25 September 2018, and Sheikh Wissam al-Ghrawi, a cleric who had taken part in protests in Basrah and was shot and killed by unknown gunmen on 17 November 2018; UNSC, *Implementation of Resolution 2421 (2018)*, 1 February 2019, https://bit.ly/2H5licP, para. 41; BBC, *Iraqi Human Rights Activist Shot Dead in Basra*, 25 September 2018, https://bbc.in/2zG51a9. See also, Amnesty International, *Iraq: Fist Around Freedom of Expression Tightens*, 1 March 2019, http://bit.ly/2UBDMpc, p. 4; Reuters, *Police Fire Live Rounds to Disperse Protest in Iraq's Basra*, 14 December 2018, https://reut.rs/2zXxSq2; Washington Post, *Iraqi Cleric Linked to Basra Protests Killed Outside Home*, 18 November 2018, https://wapo.st/2DRbYIu; AP, *Iran-Backed Militias Accused of Reign of Fear in Iraqi Basra*, 23 September 2018, https://bit.ly/2QWUYDL; MEE, *'Saboteurs': Non-State Actors Accused of Killing and Abusing Basra Activists*, 20 October 2018, https://bit.ly/2PDmpoF; Amnesty International, *Iraq: Deaths of Protesters in Basra Must Be Effectively Investigated*, 7 September 2018, https://bit.ly/2QbYdXS; Alkarama, *Use of Excessive Force by Security Forces in Iraq Results in Several Deaths and Hundreds of Injuries of Peaceful Prrotesters*, 8 August 2018, https://bit.ly/2znTfk3; HRW, *Iraq: Security Forces Fire on Protesters*, 24 July 2018, www.ecoi.net/en/document/1439329.html. See also Section II.A.1 ("*Security in the Southern Governorates*").

439 "*The intimidation of judges and lawyers has a long history in Iraq, but it has intensified in recent months. Reports uploaded on the Ceasefire reporting platform detail threats against a number of judges in Basra for their criminal law work, including sentencing corrupt officials. One investigative judge working on corruption and drugs cases had his home targeted by small weapons fire as a warning*"; Ceasefire Centre for Civilian Rights / MRGI, *Civilian Activists under Threat in Iraq*, December 2018, https://bit.ly/2UnHNgl, p. 18. "*Members of the judiciary continue to face significant pressure, including intimidation and violence, particularly in cases involving organised crime, corruption and the activities of militias*"; Australia: Department of Foreign Affairs and Trade, *Country Information Report – Iraq*, 9 October 2018, https://bit.ly/2CaY0zv, p. 28. The prosecution of high-profile corruption cases has been hampered, *inter alia*, by "*fear by judges to issue verdicts against individuals with strong party*

government's announcements to investigate killings rarely result in the identification and prosecution of perpetrators.[440]

Individual former members of the government of former President Saddam Hussein and the defunct Ba'ath Party[441] reportedly continue to be targeted, including for killing in some cases, although it is often not known whether they were singled out solely on account of their former government and/or party affiliation or (also) on other grounds (e.g. suspicion of ISIS affiliation, or their tribal, sectarian or professional background).[442]

UNHCR considers that persons opposing or perceived to be opposing government officials (including at the local level), politicians or others with political influence **may be in need of international refugee protection** on the grounds of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

For guidance on journalists and other media professionals, see Section III.A.6.

affiliations"; Middle East Research Institute, *Anti-Corruption Efforts in Iraq*, 16 January 2018, http://bit.ly/2p4DxVX. "*False accusations of illegal corruption have frequently been used as a vehicle for targeting people who are responsible for dealing with the files of corruption.*" And further: "*These personal costs are only too clear, since losing jobs, and even lives, have been experienced by commissioners. For instance, al-Ugaili was forced to resign from his post as head of the C.O.I. and to flee from Baghdad in 2011; Sabah al-Saadi was banned from standing in elections in 2014; al-Shabibi is still outside Iraq; and Adil Nuri was threatened in late 2015 when attempts were made to kill him and his car came under fire, as a result of which his son was injured*"; Sarwar Mohammed Abdullah, *Corruption Protection: Fractionalization and the Corruption of Anti-Corruption Efforts in Iraq after 2003*, British Journal of Middle Eastern Studies, 5 December 2017, http://bit.ly/2FGhH5x, pp. 8, 14-15. See also, GICJ, *GICJ's Submissions on Iraq – Reports Submitted to the 35th Session of the UN Human Rights Council*, June 2017, http://bit.ly/2FDe7F1, p. 5; Medwell Journals, *Anti-Corruption Strategies in Iraq after 2003: The Challenges Ahead*, 2017, http://bit.ly/2D7rVpb, p. 2195.

440 "*The perpetrators of deadly attacks on civilian activists, including protestors, human rights defenders and media workers, are routinely described by official Iraqi sources as unidentified or unknown. In almost every case, the announcement of an investigation into such killings has not resulted in the identification of the perpetrators or the delivery of justice*"; Ceasefire Centre for Civilian Rights / MRGI, *Civilian Activists under Threat in Iraq*, December 2018, https://bit.ly/2UnHNgl, p. 18.

441 The Ba'ath Party is banned under Article 7 of the Iraqi Constitution of 2005. In addition, in July 2016, legislation was passed that strengthened the constitutional ban, criminalizing Ba'athist protests and the promotion of Ba'athist ideas; Anadolu Agency, *Candidates Barred from Iraq Polls for Baath Party Links*, 2 April 2018, https://bit.ly/2rXpHpR; MEE, *Iraqi Parliament Votes to Ban the Baath Party*, 31 July 2016, https://bit.ly/2s2SQzY.

442 "*Tribal sheikhs often complain that their homes and properties are being attacked by the PMF because of alleged connections with the pre-2003 regime*"; Carnegie Middle East Center, *The Sunni Predicament in Iraq*, March 2016, http://ceip.org/2DoMkGv, p. 10. "*On 30 December* [2016]*, one civilian was shot and killed by unidentified gunmen in Abu al-Khaseeb district, Basra Governorate. The victim was from the Sunni community and was a former member of the Ba'ath Party*"; UNAMI, *Report on Human Rights in Iraq: July to December 2016*, 30 August 2017, www.refworld.org/docid/5a7470a84.html, p. 16. "*In the complicated web of historical animosities playing out in the current conflict in Iraq, Shia political rhetoric tends to lump together supporters of ISIS with forces loyal to the disbanded Baath party and with retired senior officers who had served under Saddam Hussein. In line with this rhetoric pro-government forces engaged in military operations against ISIS appear to have conflated ISIS with the Baath party.* (…) *Analysts of ISIS have indeed pointed to the significant role former Baath party members play in it. However many other former Baathists, some of whom Human Rights Watch interviewed, claim to have no connection to the extremist group*"; HRW, *Ruinous Aftermath: Militia Abuses Following Iraq's Recapture of Tikrit*, 20 September 2015, www.refworld.org/docid/55ffdbd64.html. See also, UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 November 2015 - 30 September 2016*, 30 December 2016, www.refworld.org/docid/5885c1694.html, p. 30; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq: 11 December 2014 - 30 April 2015*, 13 July 2015, www.refworld.org/docid/55a4b83c4.html, pp. 4, 29. In early March 2018, based on Law 72 of September 2017, the Iraqi Supreme National Commission for Accountability and Justice reportedly ordered the confiscation of movable and immovable property of former members of the Ba'ath Party regime and, in some cases, their families and second-degree relatives. The law reportedly "*stipulates the confiscation and seizure of financial assets and property of late President Saddam Hussein and his relatives, 52 senior officials from his former regime, and over 4,000 ex-ministers and officials of the Baath party*"; Asharq Al-Awsat, *Iraq to Seize Assets of Saddam Hussein, His Aides*, 6 March 2018, http://bit.ly/2GyW7gt. See also, Rawabet Center for Research and Strategic Studies, *A New Assessment of the Accountability and Justice Commission of the Property of the Former Iraqi Regime*, 12 March 2018, http://bit.ly/2DwB6zC.

4) Persons 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 have been targeted in some instances by the KRG authorities, influential government and party officials and party-affiliated security forces in the KR-I.[443] Those falling under this profile are reported to include in particular journalists and other media professionals,[444] members of rival or opposition political parties,[445] civil society activists[446] and protestors,[447] the profiles of whom may

[443] "*Political speech in the Kurdistan region can also prompt arbitrary detentions or other reprisals from government or partisan forces*"; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html.

[444] Journalists and other media professionals engaged in critical reporting on what are perceived to be sensitive issues by the KRG authorities have reportedly been targeted for harassment, intimidation, physical assault, confiscation of equipment and arbitrary arrest, as well as abduction and extra-judicial killing in some instances. See for example, *Journalist Detained for Weeks in Iraqi Kurdistan, Accused of Anti-State Acts*, 21 February 2019, http://bit.ly/2XSPEFg; CPJ, *Four Iraqi Journalists Detained in Mosul and Erbil*, 25 January 2019, https://bit.ly/2Unvsc5; Kurdistan 24, *Fifteen Violations Against Journalists in Kurdistan's Early Voting: Report*, 29 September 2018, https://bit.ly/2OnwJkS; GC4HR, *Iraqi Kurdistan: Unprecedented Attacks on Journalists and Media Outlets During Coverage of Popular Protests*, 31 March 2018, https://bit.ly/2QueLuk; Amnesty International, *Iraq: Violence Against Protesters and Journalists in Kurdistan Region Shows Blatant Disregard for Freedom of Expression*, 28 March 2018, www.refworld.org/docid/5abcf1064.html; HRW, *Kurdistan Region of Iraq: Protesters, Journalists Detained*, 28 February 2018, www.refworld.org/docid/5a9914aa4.html; CPJ, *TV Crews Assaulted, Detained Covering Protests in Kurdish-Controlled Northern Iraq*, 26 March 2018, https://bit.ly/2I9zE9m; RSF, *Journalists Arrested to Prevent Coverage of Iraqi Kurdistan Protests*, 28 December 2018, www.ecoi.net/en/document/1420461.html. See also Section III.A.6 ("*Journalists and other Media Professionals*").

[445] For reports of targeting for possibly political reasons, in particular members of Gorran and New Generation Movement, but also others, see, EPIC, *ISHM: February 28 - March 7, 2019*, 7 March 2019, http://bit.ly/2HlTuSu; Rudaw, *KDP, PUK Row with Retaliatory Arrests*, 3 January 2019, http://bit.ly/2CixvYk; The Arab Weekly, *Iraqi Kurds Wary of Resurgence of Home-Grown Terrorism*, 29 July 2018, https://bit.ly/2NyI7pC; 17 Shubat, *Mansour Mzuri Received Death Threats from KDP Forces*, 8 May 2018, https://bit.ly/2mTr0mR; HRW, *Kurdistan Region of Iraq: Protesters Beaten, Journalists Detained*, 15 April 2018, www.ecoi.net/en/document/1429508.html; Ekurd Daily, *Tavgari Azadi Members Detained in Iraqi Kurdistan, Says Movement*, 25 February 2017, https://bit.ly/2mOmRAi. According to reports, offices of opposition or rival political parties in the KR-I have repeatedly been the target of attacks, often following outspoken criticism of the ruling parties or individual politicians or during sensitive political periods such as during elections or popular protests; Rudaw, *Gorran Welcomes PUK Apology for Election Night Attack on Party HQ*, 22 August 2018, https://bit.ly/2N2mzVb; NRT, *KDP Gunmen Raid New Generation Office in Erbil: Statement*, 22 July 2018, https://bit.ly/2ooYmuE; Anadolu Agency, *Gunmen Attack Gorran Movement HQ in Iraq's Sulaimaniyah*, 13 May 2018, https://bit.ly/2ooj5OW; Reuters, *Kurdish Parties Opposed to Barzani Report Attacks on Offices Overnight*, 30 October 2017, https://reut.rs/2yUQs2V.

[446] GC4HR, *Iraq: and Iraqi Kurdistan: Targeting of Activists and Journalists Continues*, 14 March 2019, http://bit.ly/2W05Djdl; ICSSI, *Awat Demands Safety for Himself and His Family*, 3 February 2018, http://bit.ly/2HU6iwf; 17 Shubat, *Ragaz Kamal, Journalist and Human Rights Defender, Arrested*, 23 December 2017, http://bit.ly/2F0BWq0; IOHRD, *Statement of Condemnation – The Arbitrary Arrest of the Human Rights' Activist, Shaswar Abdulwahid*, 20 December 2017, http://bit.ly/2EZsUxF; ICSSI, *Kurdistan Social Forum Launched in the Kurdistan Region of Iraq!*, 10 December 2017, https://bit.ly/2OrsSQj; 17 Shubat, *Civil Activist Chalak Najim Detained for Ten Days*, 1 August 2017, http://bit.ly/2F1L5Ta.

[447] In recent years, the authorities are reported to have repeatedly responded with threats, physical assaults and arbitrary arrests of those participating in protests over corruption, the fallout from a failed independence referendum and unpaid salaries. According to Lama Fakih, deputy Middle East director at HRW, "*Kurdistan Regional Government (KRG) security forces detained at least 84 protesters and four journalists in late March* [2018] (…)*. Many of the detentions appeared to be arbitrary* (…)*. Security forces used unlawful force and threats to coerce some protesters and journalists to unlock their phones and give up Facebook passwords, and held the detainees for up to two days before releasing them, all but one without charge. Some were forced to sign a document promising not to attend 'unlawful protests'* "; HRW, *Kurdistan Region of Iraq: Protesters Beaten, Journalists Detained*, 15 April 2018, www.ecoi.net/en/document/1429508.html. See also, Amnesty International, *Iraq: Fist Around Freedom of Expression Tightens*, 1 March 2019, http://bit.ly/2UBDMpc, pp. 3-4; Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr, p. 2; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html; 17 Shubat, *PUK Asayish Kidnapped Three Protesters to an Unknown Place*, 10 July 2018, https://bit.ly/2Lwop0N; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 18.

overlap.[448] Forms of targeting are reported to include intimidation, harassment, physical attacks, arbitrary arrest and politically motivated criminal prosecution.[449]

According to reports, family members of real or perceived KRG critics have, at times, also been subjected to threats and defamation by KRG authorities or unknown actors.[450]

UNHCR considers that individuals opposing or perceived to be opposing the KRG authorities, the dominant ruling parties or others with political influence in the KR-I **may be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the circumstances of their case.

Family members of persons of this profile **may be in need of international refugee protection** on the basis of their imputed political opinion, and/or other relevant grounds, depending on the circumstances of their case.

For guidance on journalists and other media professionals, see Section III.A.6.

5) Members of Religious and Minority Ethnic Groups, and Persons Contravening Strict Islamic Rules

a) Members of Religious and Minority Ethnic Groups

Iraq is home to a diversity of distinct ethnic groups, including Arabs, Kurds, Turkmen, citizens of African descent (referred to as "Black Iraqis"), Roma (Dom), Bidoon and Shabaks. The majority of the population adheres to either Shi'ite or Sunni Islam. In addition, there are communities of various Christian denominations, Yazidis, Sabaean-Mandaeans, Kaka'is, Baha'is and a very small number of Jews.[451]

While the Iraqi authorities are reported to generally respect freedom of religion, minorities, many of which do not have strong political or tribal networks, have faced waves of displacement due to conflict and political and religious persecution, most recently at the hands of ISIS.[452] Furthermore, minority

448 "*122 violations have been documented, against approximately 200 activists, CSOs, journalists and demonstrators*" in the first four months of 2018; ICSSI, *The Reality of Freedom of Press and Expression in the Kurdistan Region in 2018 so far*, 20 May 2018, https://bit.ly/2Lzcy27.

449 For example, opponents of the September 2017 referendum in the KR-I reportedly faced harassment, threats and physical violence. "*Political speech in the Kurdish region can also prompt arbitrary detentions or other reprisals from government or partisan forces, and there were reports of intimidation surrounding the September* [2017] *independence referendum, particularly in contested areas like Kirkuk*"; Freedom House, *Freedom in the World 2018 – Iraq*, 5 April 2018, www.refworld.org/docid/5ad85795a.html. See also, CPJ, *Kurdish Military Forces Expel Al-Ahad TV Reporter from Kirkuk Province*, 2 October 2017, https://cpj.org/x/6e85; RSF, *Media Targeted in Kurdistan Referendum Tension*, 28 September 2017, www.ecoi.net/en/document/1410545.html; 17 Shubat, *Environmental Activist Has Been Arrested for Two Weeks*, 23 September 2017, http://bit.ly/2BUJj3G; CPT, *Violence Against People Engaging in Public Discourse in Iraqi Kurdistan*, August 2017, http://bit.ly/2GioNKm, pp. 3, 4; NINA, *In Sulaymaniyah Assailants Attack an Activist Refuses Referendum*, 19 August 2017, http://bit.ly/2DR1ucI.

450 For example, Sherwan Sherwani, an outspoken journalist, activist and human rights defender, has been reported to have faced continuous threats by security forces in Erbil, including against his family members; CPT, *Violence Against People Engaging in Public Discourse in Iraqi Kurdistan*, August 2017, http://bit.ly/2GioNKm, p. 4. See also, Amnesty International, *Amnesty International Report 2017/18 – Iraq*, 22 February 2018, www.refworld.org/docid/5a9919c74.html; ICSSI, *Awat Demands Safety for Himself and His Family*, 3 February 2018, http://bit.ly/2HU6iwf.

451 US Commission on International Religious Freedom (USCIRF), *USCIRF Annual Report 2018 – Tier 2 – Iraq*, 25 April 2018, www.refworld.org/docid/5b278edd2.html, p. 176; MRGI, *World Directory of Minorities and Indigenous Peoples – Iraq*, May 2018, www.refworld.org/docid/4954ce672.html; UN Human Rights Council, *Report of the Special Rapporteur on Minority Issues on Her Mission to Iraq*, 9 January 2017, A/HRC/34/53/Add.1, www.refworld.org/docid/5899be124.html, para. 6.

452 UN Human Rights Council, *Report of the Special Rapporteur on Minority Issues on Her Mission to Iraq*, 9 January 2017, A/HRC/34/53/Add.1, www.refworld.org/docid/5899be124.html, paras 7-8; UN News Service, *UN Human Rights Panel Concludes ISIL Is Committing Genocide Against Yazidis*, 16 June 2016, www.refworld.org/docid/57679ba440b.html; MRGI, *World Directory of Minorities and Indigenous Peoples – Iraq*, May 2018, www.refworld.org/docid/4954ce672.html. See also, The Atlantic, *After ISIS, Iraq Is Still Broken*, 2 August 2018, https://bit.ly/2Mz9ank.

groups report legal,[453] political and economic marginalization.[454] The practice of the Baha'i faith remains prohibited.[455] Minority communities have reported instances of harassment as well as sexual assault from government-affiliated groups in some areas.[456] In the KR-I, instances of discrimination by the authorities against members of minority groups and suppression of their political freedom have been reported.[457] In some instances, minority rights groups and activists have reported about threats and politically motivated restrictions on their work by state and non-state actors.[458]

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453 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). 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. Other legal provisions restrict constitutional guarantees, including by preventing the conversion of Muslims to other faiths and the automatic conversion of minor children to Islam if either parent converts to Islam. Furthermore, by law, children born to a Muslim father assume the Muslim religion, including in instances of rape; US Department of State, *2017 Report on International Religious Freedom – Iraq, 29 May 2018*, www.ecoi.net/en/document/1436875.html; MRGI, *Crossroads: The Future of Iraq's Minorities after ISIS*, June 2017, www.refworld.org/docid/5a0d6ddd4.html, p. 33; *Constitution of the Republic of Iraq*, 15 October 2005, www.refworld.org/docid/454f50804.html. See also below "*Mixed Marriages*" and "*Conversion from Islam*".

454 "*In central and southern Iraq, Christians often do not publicly display Christian symbols, such as a cross, as this can lead to harassment or discrimination at checkpoints, universities, government buildings and in workplaces. Even Christians in the Iraqi Kurdish Region (IKR) have reportedly removed the cross from their cars to avoid unwanted attention*"; Open Doors, *2019 World Watch List Report – Iraq*, 19 January 2019, https://bit.ly/2IB6uVt. "(…) *other ethnic and religious minorities, such as Yezidis and Chaldo-Assyrian Christians, face ongoing discrimination in access to jobs due to longstanding stereotypes about them, and the fact that they do not belong to the major political blocs*"; MRGI, *Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) – Review of the Periodic Report of Iraq*, 2018, http://bit.ly/2VKsoYo, para. 15. See also, US Department of State*, 2017 Report on International Religious Freedom – Iraq*, 29 May 2018, www.ecoi.net/en/document/1436875.html; Syria Deeply, *The Fate of Minorities in Post-ISIS Syria and Iraq*, 10 January 2018, https://bit.ly/2sTZbhs; MRGI, *Crossroads: The Future of Iraq's Minorities after ISIS*, June 2017, www.refworld.org/docid/5a0d6ddd4.html, p. 32.

455 Law No. 105 of 1970 prohibiting the practice of the Baha'i faith reportedly remains in force. The KRG Ministry of Endowment and Religious Affairs recognizes the Baha'i faith; US Department of State, *2017 Report on International Religious Freedom – Iraq*, 29 May 2018, www.ecoi.net/en/document/1436875.html, pp. 1, 5, 6, 8, 14. See also, Al-Monitor, *Iraqi Official Denies Bahaism as Religion*, 11 December 2018, http://almon.co/3572; Iraq Business News, *After Decades of Suppression, Baha'is Celebrate Publicly in Baghdad*, 18 December 2017, https://bit.ly/2sBtbyK; MRGI, *World Directory of Minorities and Indigenous Peoples – Iraq: Bahá'í*, May 2018, www.refworld.org/docid/5a535f887.html; UN Human Rights Council, *Report of the Special Rapporteur on Minority Issues on Her Mission to Iraq*, 9 January 2017, A/HRC/34/53/Add.1, www.refworld.org/docid/5899be124.html, paras 29-30.

456 "*Christian religious leaders continued to publicly accuse the Iranian-backed Shabak Shia PMF militia 30th Brigade, controlled by Iraqi parliament member Hanin Qado and his brother Waad, of harassment and sexual assaults on Christian women in Bartalla and in Hamdanyah District.*" And further: "*Christians reported harassment, abuse, and delays at numerous checkpoints operated by various PMF units, which impeded movement in and around several Christian towns on the Ninewa Plain, including the 30th Brigade in Bartalla and the 50th Brigade in Bashiqa and Tel Kayf*"; US Department of State, *2017 Report on International Religious Freedom – Iraq*, 29 May 2018, www.ecoi.net/en/document/1436875.html. See also, Open Doors, *2019 World Watch List Report – Iraq*, 19 January 2019, https://bit.ly/2IB6uVt; Kurdistan 24, *Hashd al-Shaabi Sexually Harass Christians in Nineveh Plain: Christian MP*, 17 December 2017, https://bit.ly/2ErsfoP.

457 MRGI, *Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) – Review of the Periodic Report of Iraq*, 2018, http://bit.ly/2VKsoYo, para. 11; US Department of State, *2017 Report on International Religious Freedom – Iraq*, 29 May 2018, www.ecoi.net/en/document/1436875.html; MRGI, *Iraq – Assyrians*, November 2017, http://bit.ly/2bUtHRE; USCIRF, *Wilting in the Kurdish Sun – The Hopes and Fears of Religious Minorities in Northern Iraq*, May 2017, www.refworld.org/docid/5ad852144.html, pp. 1, 3, 38-40; The Atlantic, *An Ominous Future for Kurdistan's Minorities*, 25 September 2017, https://theatln.tc/2y5U424. Christians reportedly also face legal discrimination in respect to the adjudication of unresolved land claims and attempts to protest against against these alleged discriminatory practices have reportedly been curtailed; US Department of State, *2017 Report on International Religious Freedom – Iraq*, 29 May 2018, www.ecoi.net/en/document/1436875.html; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, pp. 15-16.

458 "*On 16 November* [2017]*, a prominent Iraqi minority rights advocate received a written threat slipped under his door at his office in Karrada neighbourhood, Baghdad. The message, written allegedly by an unidentified armed group, ordered the victim to stop is work or his family would be in danger. This reportedly is one of many letters the victim has received threatening him to stop his work*"; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 14. In January 2017, Kurdish authorities reportedly temporarily closed the Yazidi women's rights organization, Yazda, citing the lack of a license to operate. However, according to observers, the ban was linked to Yazda's plans to provide humanitarian assistance to Yazidi families in Sinjar, which run counter to what has been described as an "*economic blockade*" imposed by the KRG against Sinjar amidst a political rivalry with PKK-affiliated Yazidi armed groups; Freedom House, *Freedom in the World 2018 – Iraq*, 5 April 2018, www.refworld.org/docid/5ad85795a.html; Rudaw, *Yazda: Offices in Kurdistan to Reopen after Talks*

In and near formerly ISIS-held areas, attacks are reported to be carried out against members of minority groups, including against Shi'ites,[459] Turkmen,[460] Kurds,[461] and Kaka'i,[462] with attacks reportedly

with KRG, 18 January 2017, http://bit.ly/2Il3ad3; HRW, *Kurdish Officials Shut Down Group Aiding Yezidis*, 3 January 2017, www.ecoi.net/en/document/1263669.html; HRW, *Iraq: KRG Restrictions Harm Yezidi Recovery*, 4 December 2016, www.refworld.org/docid/58452bc84.html. For other examples, see, NINA, *A Security Source: Unknown Men Throw Leaflets Threatening Yazidi Activists in Baasheqa North of Mosul*, 12 December 2017, http://bit.ly/2nD5GCy; PEN International, *Iraq: Fears for Safety of Prominent Iraqi Writer and His Colleagues at Masarat Foundation PEN International*, 24 November 2017, http://bit.ly/2GQBk86; Masarat, *A Statement*, 16 November 2017, https://bit.ly/2Ggo5jl.

459 For example, "[F]*ive members of one family were said to have been killed* [at a checkpoint set up by ISIS on the road between Daquq and Tuz Khurmato]*. ISIL claimed responsibility for the attacks and published footage from the ambush which it said targeted Shiites*"; The National, *ISIL Sleeper Cells Mounting Attacks in Northern Iraq*, 15 March 2018, https://bit.ly/2tQRJXl. See also, Iraqi News, *15 Shia Worshippers Killed, Injured in Bomb Blast in Diyala*, 30 October 2018, https://bit.ly/2OZpFeF; Kurdistan 24, *Seven Injured in Islamic State Attack in Khanaqin*, 18 September 2018, https://bit.ly/2QEC6cU; Iraqi News, *Iraqi Security Foil Suicide Bomb Attack Against Shia Rituals Sites*, 11 September 2018, https://bit.ly/2Mn6Tra; Rudaw, *ISIS Continues Killing, Abducting Iraqis in Guerrilla Attacks*, 8 September 2018, https://bit.ly/2NzihVO; Iraqi News, *Iraqi Security Foil Bombing of Shia Rituals Spot in Kirkuk*, 29 March 2018, https://bit.ly/2Ms3S9N. ISIS reportedly continues to launch or attempt to launch occasional attacks against Shi'ite civilians, including pilgrims, in Baghdad and other parts of the country, see e.g., Reuters, *Blast Kills Three Shi'ite Muslim Pilgrims in Iraq: Police*, 30 October 2018, https://reut.rs/2Ss0PSG; Iraqi News, *15 Shia Worshippers Killed, Injured in Bomb Bast in Diyala*, 30 October 2018, https://bit.ly/2OZpFeF; Iraqi News*, Iraqi Security Thwart Terrorist Attack Against Shiite Visitors in Baghdad*, 7 October 2018, https://bit.ly/2RR0o4b; NINA, *Four Terrorist Attempts to Target the Husseini Processions Foiled in Diyala*, 21 September 2018, https://bit.ly/2IadoNI; Xinhua, *2 Suicide Bombers Killed in Attempt to Attack Shiite Pilgrims in Central Iraq*, 11 April 2018, https://bit.ly/2KADwBM; New York Times, *ISIS Claims Responsibility for Baghdad Bombings*, 17 January 2018, https://nyti.ms/2tJLVws.

460 See e.g., Kurdistan 24, *IS Claims Responsibility for Attempted Assassination of Turkmen Candidate in Kirkuk*, 24 April 2018, https://bit.ly/2wLho5o; Rudaw, *One Killed in Bombing in Kirkuk as Iraqi Election Campaigning Begins*, 15 April 2018, https://bit.ly/2y3ULtk; NINA, *A Mortar Shell Fall on the Historic Citadel of Kirkuk During a Ceremony for Turkmens*, 23 March 2018, https://bit.ly/2pHtaHb; Rudaw, *Turkey Condemns 'Heinous Terror Attack' near Tuz Khurmatu*, 22 March 2018, https://bit.ly/2IzQV2f; Anadolu Agency, *19 Turkmen Killed in Iraq's Kirkuk in 4 Months: Leaders*, 8 February 2018, https://bit.ly/2JGmzpb.

461 For reported attacks by ISIS against Kurdish villages, see e.g., NINA, *Daesh Broadcasts a Video Clip to Execute Three Abductees from a Village in Kirkuk*, 1 February 2019, https://bit.ly/2WEIzHP; Kurdistan 24, *Villagers Around Iraq's Khanaqin, Jalawla Evacuate as ISIS Attacks Increase*, 18 January 2019, https://bit.ly/2U9ZFf9; Kurdistan 24, *Islamic State Kidnaps 19 People in Two Separate Attacks Outside Kirkuk*, 25 December 2018, https://bit.ly/2RpQUjE; Rudaw, *Khanaqin Villagers Flee Their Homes, Fearing Resurgent ISIS*, 13 December 2018, https://bit.ly/2rIxOpP; Rudaw, *Kirkuk Villagers Say ISIS Avoid Iraqi Forces which only Set Up on Main Roads*, 13 November 2018, https://bit.ly/2r0wUEt; Rudaw, *ISIS Militants Storm Health Facility in Daquq, Kidnap 2*, 13 September 2018, https://bit.ly/2CjdlOQ; Bas News, *IS Kidnaps, Beheads Kurdish Civilians in Khanaqin*, 10 September 2018, https://bit.ly/2Qpbxsf; Bas News, *Daquq: IS Militants Burn Kurdish Civilian's House*, 6 September 2018, https://bit.ly/2CKMxZK; NINA, *Dozens of Families from the Eastern Villages of Khanaqin in Diyala Were Displaced by Terrorist Threats*, 4 August 2018, https://bit.ly/2MbrDHz; Iraq Trade Link, *Da'ish Attacks Kurdish Village*, 26 June 2018, https://bit.ly/2KnjWZL; Kurdistan 24, *Kurdish Villagers Fend Off Islamic State Attack*, 7 June 2018, https://bit.ly/2twIKrN.

462 As a result of continued ISIS activity in areas traditionally inhabited by members of the Kaka'i community, whom ISIS considers to be "*infidels*", a number of villages in the Daquq District (Kirkuk Governorate) have reportedly been deserted. For reports on ISIS attacks against Kaka'i villages, kidnappings and killings; Kurdistan 24, *Specter of ISIS in Iraq Lingers for Kirkuk's Kakai Minority*, 5 March 2019, http://bit.ly/2HxHEnr; Bas News, *Body of Civilian Found Near Khanaqin*, 13 February 2019, http://bit.ly/2O5dWY3; NINA, *2 IEDs Explode, Injuring 3 People, South of Kirkuk*, 25 October 2018, https://bit.ly/2PLxBkd; NRT, *Fearing for Their Lives, more Kakayis Evacuate Villages in Southern Daquq*, 25 August 2018, https://bit.ly/2CLFRKP; Kirkuk Now, *Kakaiyis Look for Safety – Tens of Families Fled Daquq to Qarahanjir*, 13 August 2018, https://bit.ly/2nIQofy; Bas News, *Bomb Explosion Targets Kakayi Village in Kirkuk*, 1 July 2018, https://bit.ly/2lR3W7w; VOA, *IS Terror Group Surges in Iraq's Disputed Territories*, 26 June 2018, https://bit.ly/2IwFgKJ; Kurdistan 24, *Kurds in Diyala Leave Home as IS Attacks on the Rise*, 9 June 2018, https://bit.ly/2MENwe2; NINA, *3 Terrorists Killed, 3 Civilians Martyred in Kirkuk*, 25 May 2018, https://bit.ly/2JCCcy1; CFI Media Cooperation, *The Impossible Situation of Iraqi Kakai*, 12 March 2018, https://bit.ly/2G5dgR4. See also, Kurdistan 24, *Bawa Mahmoud Shrine Detonated in the Kurdish City of Khanaqin*, 31 October 2018, https://bit.ly/2KlEoLn; Kurdistan 24, *Gunmen Detonate Kaka'i Shrine Used to Light Newroz Flame, South of Kirkuk*, 22 March 2018, https://bit.ly/2HohRfa.

claimed by or attributed to ISIS.[463] Nearly 3,000 Yazidis and 1,200 Turkmen, mostly women and children, are reported to remain missing after having been abducted by ISIS in 2014.[464]

Sunni Arabs and Sunni Turkmen, particularly from formerly ISIS-held areas, are reported to be targeted on account of their perceived support for ISIS.[465]

Over the years, there have been reports of instances of killings and kidnapping for ransom targeting members of religious minorities, including Christians and Sabaean-Mandaeans, by government-affiliated groups, criminal groups and armed groups for sectarian or criminal motives (on account of their perceived wealth), or a combination of the two.[466]

Homes of Christians displaced from Baghdad and other areas since 2003 as well as churches and monasteries are reported to have been seized illegally and with impunity by powerful individuals, militias and criminal networks.[467] Outside the KR-I, Kurds have reportedly been targeted in reprisal acts for their

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463 "(…) *ISIL continues to carry out sporadic attacks, leaving civilians – in particular vulnerable ethnic and religious minorities such as Yazidi, Christian, Shabak and Turkmen, as well as members of the majority Shia population – at ongoing risk of atrocities*"; Global Centre for the Responsibility to Protect, *Atrocity Alert No. 131: Myanmar, Iraq and Somalia*, 14 November 2018, https://bit.ly/2r9B655. "*Local residents told VOA that several villages have been deserted in recent weeks due to IS militant attacks and kidnappings, particularly against religious minority groups settled near the Hamrin mountain range and the Kirkuk-Baghdad highway*"; VOA, *IS Terror Group Surges in Iraq's Disputed Territories*, 26 June 2018, https://bit.ly/2IwFgKJ. See also, Al-Monitor, *Rural Areas Southwest of Kirkuk Grapple with Fears of IS Sleeper Cells*, 16 April 2018, https://bit.ly/2qDTCBO; Asia News, *Islamic State Carries Out New Violent Attacks, Threatening Iraq's Future*, 14 March 2018, https://bit.ly/2Mn4r4E. See also Section II.B.2 ("*Security in Areas with Continued ISIS Presence or Influence*").

464 Since the recapturing of remaining ISIS territory in north-eastern Syria in early 2019, several hundred Yazidi women and children have reportedly been freed; AFP, *Syria Kurds Return 25 Yazidis Freed from ISIS to Iraq*, 13 April 2019, https://bit.ly/2GGqUK2. At the time of writing, the fate of 2,992 Yazidis is reported to remain unknown according to the Affairs Office from the KRG Ministry Religion and Endowment; Rudaw, *Nadia Murad: Yezidi Mothers, Families Should Decide Fate of ISIS Children*, 28 April 2019, http://www.rudaw.net/english/kurdistan/280420192. In March 2018, the Special Representative of the UNSG on Sexual Violence in Conflict, Pramila Patten, stated that an estimated 1,200 Turkmen also remain missing, including 600 women and 250 children; Haaretz, *UN: Rape Victims of Islamic State 'Were Like Living Corpses'*, 10 March 2018, https://bit.ly/2KCpZwP. Some Christian women were also reported missing after having been abducted by ISIS; Open Doors, *2019 World Watch List Report – Iraq*, 19 January 2019, https://bit.ly/2IB6uVt; Rudaw, *ISIS Destroyed Thousands of Christian Homes, Ruined 120 Religious Sites in Mosul*, 27 November 2018, https://bit.ly/2KE5ugW. See also Section III.A.7 ("*Women and Girls with Certain Profiles or in Specific Circumstances*").

465 See Section III.A.1 ("*Persons Wrongly Suspected of Supporting ISIS*").

466 Criminal motives may overlap with other motives. For example, a victim may be singled out for kidnapping against ransom for reasons of economic profit and/or in order to pursue a political/ideological aim or based on sectarian motives. For example, the incident of the killing of a Christian doctor and his family in Baghdad in March 2018 may reportedly have been motivated by a combination of criminal reasons and the victim's religious background and perceived social status; Rudaw, *Christian Doctor, Wife, and Mother Stabbed to Death in Baghdad*, 10 March 2018, http://bit.ly/2Il2xAg; Kurdistan 24, *Three Christian Family Members Stabbed to Death in Iraq's Capital*, 10 March 2018, http://bit.ly/2p4C6G6. "*Kidnappings and robberies are the most common crimes against the* [Sabaean-Mandaean] *community. Iraq's current climate of impunity renders Sabean-Mandaeans particularly vulnerable due to their strictly pacifist faith and lack of social tribal structures, militia-affiliations and geographic concentration of the community*"; MERI, *The Sabean-Mandaeans – Perceptions of Reconciliation and Conflict*, July 2017, https://bit.ly/2kZ4qrQ, p. 5. See also, US Department of State, *2017 Report on International Religious Freedom – Iraq*, 29 May 2018, www.ecoi.net/en/document/1436875.html; MRGI, *World Directory of Minorities and Indigenous Peoples – Iraq: Sabian Mandaeans*, November 2017, www.refworld.org/docid/49749d0828.html; MRGI, *World Directory of Minorities and Indigenous Peoples – Iraq: Chaldeans*, November 2017, www.refworld.org/docid/49749d0937.html; MRGI, *World Directory of Minorities and Indigenous Peoples – Iraq: Assyrians*, November 2017, www.refworld.org/docid/49749d0ac.html. Though the risks for religious minorities reportedly persist, the reported number of such incidents has reduced. For reported incidents see: The National, *Jordan's Mandaean Minority Fear Returning to Post-ISIS Iraq*, 9 June 2018, https://bit.ly/2LCVTpO; UN News, *UN Urges New, 'Post-ISIL' Iraq to Draw On Diversity, Support Religious Minorities*, 13 March 2018, https://bit.ly/2rhliOe; International Christian Concern, *Persecution of Christians in Basra Increases in Complexity and Magnitude*, 22 December 2017, https://bit.ly/2FP9KWH; UNAMI, *Report on Human Rights in Iraq: July to December 2016*, 30 August 2017, www.refworld.org/docid/5a7470a84.html, p. 16. See also sources included in: UNHCR, *Situation of Christians in Baghdad*, 15 January 2018, www.refworld.org/docid/5a66f80e4.html, pp. 2, 3.

467 According to Chaldean Auxiliary Bishop, Shlemun Wardouni, "(…) *there is brisk trade in properties abandoned by Christians several years ago when the overall situation forced them to leave Baghdad in a hurry and they were unable to sell their homes and shops beforehand. In such cases, property sellers conduct their business on the pretext of acting as intermediaries on behalf of the original owners. There are also cases in which the same properties are sold by criminals several times. If the legitimate owners try to sell their properties on the market at some later date, they discover that they are no longer in possession of them*"; KAS, *Christians and Yazidis in Iraq: Current Situation and Prospects*, 14 June 2017, https://bit.ly/2Iapkl6, p. 14. See also, Rudaw, *ISIS Destroyed Thousands of Christian Homes, Ruined 120 Religious Sites in Mosul*, 27 November 2018, https://bit.ly/2KE5ugW; Express, *Christians Who Fled ISIS Have Properties Seized by Officials*, 26 November 2018, http://shr.gs/EKQ5U5H; US

real or perceived support for the 25 September 2017 Independence Referendum organized by the KRG, which heightened tensions between Arab and Kurdish communities.[468]

Reports indicate that members of other minority communities, including the Roma (Dom)[469] and Iraqis of African descent (referred to as "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.[470] In addition, members of the Roma community are reportedly stateless or at risk of statelessness due to the lack of essential civil documentation, further

Department of State, *2017 Report on International Religious Freedom – Iraq*, 29 May 2018, www.ecoi.net/en/document/1436875.html; The New Arab, *The Iraq Report: Election Drama Continues as Christians Seek Return of Stolen Property*, 29 June 2018, https://bit.ly/2tGMQOg; MRGI, *World Directory of Minorities and Indigenous Peoples – Iraq: Chaldeans*, November 2017, www.refworld.org/docid/49749d0937.html and sources included in: UNHCR, *Situation of Christians in Baghdad*, 15 January 2018, www.refworld.org/docid/5a66f80e4.html, p. 3.

468 USCIRF, *USCIRF Annual Report 2018 – Tier 2 – Iraq*, 25 April 2018, www.refworld.org/docid/5b278edd2.html; Kurdistan 24, *Threatening Kurds Because of Referendum is 'Political Sedition:' Iraqi Shia Cleric*, 7 October 2017, http://bit.ly/2k3B372; Middle East Online, *The Kurds of Baghdad: What Their Future Concerns?*, 28 September 2017, http://bit.ly/2AY87HS; Rudaw, *Baghdad's Faili Kurds Threatened, Forced Out over Referendum*, 13 August 2017, http://bit.ly/2zY0Sw4.

469 Areas where Roma have traditionally settled include the outskirts of cities and towns in Baghdad, Basrah, Diyala, Mosul, Nasseriyah, in addition to some isolated villages in the South (mainly Qadissiyah Governorate). Under the former government of Saddam Hussein, Roma villages are reported to have enjoyed police protection and the authorities turned a blind eye and even encouraged the Roma to pursue occupations such as playing music, dancing, selling of alcohol and prostitution. After 2003, the community was accused of having supported the former President, and conservative local communities as well as Shi'ite militants, who had long resented their differing social norms, reportedly attacked and forcibly displaced many Roma from their settlements. According to reports, the widespread perception that the Roma are engaged in "*un-Islamic*" activities continues to prevail among Islamic hardline groups and the wider community. Roma women are reported to be exposed to harassment, sexual abuse and exploitation at the hands of members of local communities because of cultural perceptions vis-à-vis Roma women. Roma children are reported to be at heightened risk of abuse and exploitation due to the absence of birth registration, lack of documentation confirming nationality, extremely low levels of school attendance and widespread involvement in street begging; MRGI, *Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) – Review of the Periodic Report of Iraq*, 2018, http://bit.ly/2VKsoYo, paras 15, 27, 32; Initiators Organization for Human Rights & Democracy (IOHRD), *Iraqi Gypsies Suffer the Government's Systematic Racial Discrimination and Social Exclusion*, 3 March 2018, https://bit.ly/2HrwD3z; Masarat, *Minorities*, 2018, https://bit.ly/2JxmfwM; MRGI, *World Directory of Minorities and Indigenous Peoples – Iraq: Roma*, November 2017, www.refworld.org/docid/5a53612a7.html; UN Human Rights Council, *Report of the Special Rapporteur on Minority Issues on Her Mission to Iraq*, 9 January 2017, A/HRC/34/53/Add.1, www.refworld.org/docid/5899be124.html, para. 48. See also, The National, *Iraqi Roma Village School Reopens 14 Years after Destruction*, 28 March 2018, https://bit.ly/2utcbhm.

470 Iraqis of African descent are reported to reside primarily in economically marginalized areas in Basrah and adjoining governorates, as well as in Baghdad's Sadr City, according to Masarat, an Iraqi NGO focusing on minorities. According to reports, they are subjected to frequent verbal abuse, including by continually being referred to as "*abd*", or slave, and many live in informal settlements and are at risk of eviction; MRGI, *Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) – Review of the Periodic Report of Iraq*, 2018, http://bit.ly/2VKsoYo, para. 15, 28; Masarat, *Minorities*, 2018, https://bit.ly/2JxmfwM; MRGI, *Iraq – Black Iraqis*, November 2017, www.refworld.org/docid/5a53600d7.html; UN Human Rights Council, *Report of the Special Rapporteur on Minority Issues on Her Mission to Iraq*, 9 January 2017, A/HRC/34/53/Add.1, www.refworld.org/docid/5899be124.html, para. 48. "*People of African descent suffer from high rates of extreme poverty and discrimination*"; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html.

compounding their vulnerable situation.[471] A number of Faili Kurds[472] and Bidoon[473] also remain stateless[474] and consequently without official documentation, resulting in restrictions on access to public services and formal employment, as well as on their freedom of movement due to difficulties to pass checkpoints.

UNHCR considers that members of religious and minority ethnic groups in or near areas where ISIS maintains a presence **are likely to be in need of international refugee protection** on the basis of their religion, ethnicity, their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

UNHCR considers that members of religious and minority ethnic groups originating from other areas **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, depending on the individual circumstances of the case.

Regarding the international protection needs of Sunnis suspected of supporting ISIS, see Section III.A.1.

b) Persons Perceived as Contravening Strict Islamic Rules

Persons considered as contravening strict interpretations of Islamic rules in terms of dress, social behaviour and occupations, including atheists and secular-minded individuals,[475] women and members of religious minority groups, are reported to face abduction, harassment[476] and physical attack by

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471 UNHCR received reports in November 2013 that Roma in Baghdad experience difficulty in obtaining or renewing essential personal status documents. Some were told that because their nationality was acquired "*exceptionally*" by decree of the now defunct Revolutionary Command Council, they are not eligible to renew their official documents or transfer nationality to their children. In March 2019, the Minister of Interior issued a letter addressing the Directorates of Civil Status, Passport and Residence in all governorates to grant Iraqi nationality and the Unified ID Cards to Romas. UNHCR is monitoring the implementation of the instructions; UNHCR information, April 2019. According to MRGI, the citizenship certificates held by Roma "*contain the expression 'Exemption' which prevents them from holding any form of state employment.* (…) *Moreover, some of their civil status identification documents still contain the word 'Ghajari' (gypsy), which signals to employers that they are Roma and opens them to discrimination. Reportedly, the Ministry of the Interior has issued directives to the nationality directorates in the provinces to cease using terms 'exemption' or 'gypsy' on Roma identification documents. However, Roma have to visit a government office and submit a request in order to obtain new identification documents*"; MRGI, *Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) – Review of the Periodic Report of Iraq*, 2018, http://bit.ly/2VKsoYo, para. 23.

472 The Iraqi Nationality Law (Law 26 of 2006) established the right to regain Iraqi nationality for those previously denaturalized on political, religious or ethnic grounds. Since then, many Faili Kurds have been reported to have had their Iraqi nationality reinstated, but UNHCR has no updated information on how many Faili Kurds have benefited from the 2006 Nationality Law and have been issued with nationality certificates, as the Government of Iraq has not released relevant data in recent years. UNHCR is aware of reports that the process of reinstatement is long and cumbersome and applicants are often required to travel from their place of residence to the nationality directorate in Baghdad to follow up on their applications. Some Faili Kurds started the process but could not complete it due to documentary and financial requirements (including for repeated travel to Baghdad). The UN Committee on the Rights of the Child (CRC) in 2015 expressed concern about "*Faili Kurd children often being stateless owing to the slow reinstatement process for the Faili Kurd population.*" Furthermore, Faili Kurds are reported to also encounter difficulties to reclaim confiscated properties; MRGI, *Iraq – Faili Kurds*, updated November 2017, https://bit.ly/2zld3Wl; CRC, *Concluding Observations on the Combined Second to Fourth Periodic Reports of Iraq*, 3 March 2015, CRC/C/IRQ/CO/2-4, www.refworld.org/docid/562de4494.html, para. 76; *Iraqi Nationality Law* [Iraq], *Law 26 of 2006*, 7 March 2006, www.refworld.org/docid/4b1e364c2.html, Articles 17 and 18.

473 Bidoon are Sunni Muslims who were left stateless when Kuwait became independent in 1961. When Iraq invaded Kuwait in 1990, many Bidoon had their loyalty to Kuwait questioned and half of the country's Bidoon population (totaling 250,000 at the time) fled or were deported to Iraq. Bidoon communities reportedly reside primarily in southern Iraq, including Dhi-Qar, Basrah and Wassit 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; UNHCR information, March 2019. See also, UN Human Rights Council, *Report of the Special Rapporteur on Minority Issues on Her Mission to Iraq*, 9 January 2017, A/HRC/34/53/Add.1, www.refworld.org/docid/5899be124.html, para. 48.

474 Pending a more accurate study into statelessness in Iraq, UNHCR estimates that a total of 47,630 persons remain stateless in Iraq; UNHCR, *Global Trends: Forced Displacement in 2017*, 19 June 2017, www.refworld.org/docid/5b2d1a867.html, p. 65.

475 See below "*Atheists*".

476 "*Non-Muslim minorities reported continued abductions, threats, pressure, and harassment to force them to observe Islamic customs.*" And further: "*According to representatives of Christian NGOs, some Muslims continued to threaten women and girls, regardless of their religious affiliation, for refusing to wear the hijab, for dressing in Western-style clothing, or for not adhering to strict interpretations of Islamic norms governing public behavior. Numerous women, including Christians and Sabaean-*

various extremist armed groups and vigilantes.[477] Furthermore, individuals (perceived to be) of diverse sexual orientations and/or gender identities are reported to face a heightened risk of targeted violence by conservative and extremist groups and individuals, who consider them to be transgressing Islamic religious norms.[478]

UNHCR considers that persons 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, depending on the individual circumstances of the case.

c) Mixed Marriages

Before the fall of the former regime, marriages between different sects and communities (e.g. between Sunnis and Shi'ites, between Kurds, Arabs and Turkmen) were socially acceptable and common, especially among the middle class in demographically heterogeneous cities. However, due to increased sectarian tensions since the conflict in 2006/2007, mixed marriages, particularly between Sunnis and Shi'ites, are reported to have decreased,[479] in parallel with a reported rise in intra-family marriages.[480] According to reports, persons entering into mixed marriages,[481] particularly women in more rural areas and from working class families, at times face familial/tribal objection and repercussions, including domestic violence, pressure to divorce, discrimination in relation to child custody rights as well as "honour" killings.[482]

Mandaeans, reported opting to wear the hijab after being harassed"; US Department of State, *2017 Report on International Religious Freedom – Iraq*, 29 May 2018, www.ecoi.net/en/document/1436875.html, pp. 20, 22. See also, KAS, *Christians and Yazidis in Iraq: Current Situation and Prospects*, 14 June 2017, https://bit.ly/2Iapkl6, p. 14 and sources included in: UNHCR, *Situation of Christians in Baghdad*, 15 January 2018, www.refworld.org/docid/5a66f80e4.html, pp. 2-3.

477 Individuals suspected of engaging in activities perceived to be contrary to Islam have reportedly been targeted for attack, including killing, by armed groups although the perpetrators are often not identified. Premises such as nightclubs, cafes, restaurants, brothels and liquor shops are have repeatedly been targeted in Baghdad, Basrah and other cities. According to UNAMI, such attacks are "*thought largely to be perpetrated by radicalized religious armed groups and individuals who sought to punish any suspected behavior that does not conform to their particular mores*"; UNAMI, *Report on Human Rights in Iraq: July to December 2016*, 30 August 2017, www.refworld.org/docid/5a7470a84.html, pp. 17. "*Restaurants serving alcohol and liquor stores have faced harassment and attack, further eroding religious freedom*"; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html. See also pp. 16 and 18 of the same report. "*In July* [2017] *in Baghdad unidentified gunmen fired upon and killed two Yezidis in their stores that sold alcoholic beverages. Yezidis and Christians, the main importers and sellers of alcohol, continued to be subject to harassment or attacks and were often forced to pay 'protection' money to local authorities*"; US Department of State, *2017 Report on International Religious Freedom – Iraq*, 29 May 2018, https://www.ecoi.net/en/document/1436875.html. See also, NINA, *A Homemade Bomb Goes Off in Front of a Liquor Store in Central Baghdad*, 21 December 2018, https://bit.ly/2RatjmZ; Kurdistan 24, *Explosions Target Liquor Store, Neighborhood in Disputed Iraqi City*, 15 November 2018, https://bit.ly/2ROAhxt; Bas News, *Unknown Iraqi Forces Attack Restaurant for Serving Food During Ramadan*, 3 June 2018, https://bit.ly/2LYwW9q; Kurdistan 24, *Explosion Hits Kirkuk, Gunmen Attack Liquor Store in Baghdad*, 25 January 2018, https://bit.ly/2DQU1GJ.

478 See Section III.A.10 ("*Persons of Diverse Sexual Orientations and/or Gender Identities*").

479 Canada: 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, IRQ106049.E, www.refworld.org/docid/5aa916bb7.html.

480 ICG, *Fight or Flight: The Desperate Plight of Iraq's "Generation 2000"*, 8 August 2016, www.refworld.org/docid/57a97f454.html, p. 10 and footnote 28.

481 Interfaith marriages are permitted for Muslim men with women practising one of the "*religions of the book*" (i.e. Christians, Jews, Sabaean-Mandaeans). Muslim women, however, are not permitted to marry outside their faith; *Iraq: Personal Status Law and Its Amendments (1959)* [Iraq], 30 December 1959, www.refworld.org/docid/5c7664947.html, Article 17.

482 Canada: 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, IRQ106049.E, www.refworld.org/docid/5aa916bb7.html. In the KR-I, mixed marriages are reported to be uncommon: "*Even though the Christian and Muslim communities in Iraqi Kurdistan have strong ties and are on friendly terms, this has not made intermarriage any more permissible."* According to an Iraqi Priest from Erbil, "[T]*here is huge potential for things to go wrong when Muslim men and Christian women marry* (…)*. It can have a negative impact on the couple's families and could even lead to violence* (…)*. In Iraqi Kurdistan one case where a Yazidi woman tried to marry a Muslim ended in her gruesome murder*"; Niqash, *Cross-Cultural Love: What Happens When a Christian Falls in Love with a Muslim*, 14 December 2017, https://bit.ly/2HFkUQo. On "*honour*" killings, see also Section III.A.8.d.

UNHCR considers that persons 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, depending on the individual circumstances of the case.

d) Conversion from Islam to Christianity

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.[483] As a result, a convert's national identity card would still identify its holder as "Muslim".[484] Instances of open 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 Iraqi society and the fact that families and tribes would likely interpret conversion by one of their members as an affront to their collective "honour".[485] Open conversion would likely result in ostracism and/or violence at the hands of the individual's community, tribe or family as well as Islamist armed groups.[486]

UNHCR considers that persons who converted from Islam to Christianity **are likely to be in need of international refugee protection** on the basis of their religion, depending on the individual circumstances of the case.

If a conversion has been made post-departure from Iraq,[487] possible risks upon return should not be excluded given the widespread animosity towards converts from Islam in Iraqi society and families and tribes' collective notion of "honour".

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483 US Department of State, *2017 Report on International Religious Freedom – Iraq*, 29 May 2018, www.ecoi.net/en/document/1436875.html.

484 As a result, a female convert is legally prohibited from marrying a Christian man, as she would still be considered Muslim by law; *Iraq: Personal Status Law and Its Amendments (1959)* [Iraq], 30 December 1959, https://www.refworld.org/docid/5c7664947.html, Article 17. Children of converts may be without an identification card, unless their parents register them as Muslims. Further, children's religion would be recorded as "*Muslim*" following the conversion of either of their parent to Islam; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html; USCIRF, *USCIRF Annual Report 2018 – Tier 2 – Iraq*, 25 April 2018, www.refworld.org/docid/5b278edd2.html. "*One priest related incidents where a Muslim who had converted to Christianity was unable to change his ID card and subsequently faced difficulty from security services when trying to attend churches in a Christian quarter*"; USCIRF, *Wilting in the Kurdish Sun: the Hopes and Fears of Religious Minorities in Northern Iraq*, May 2017, www.refworld.org/docid/5ad852144.html, p. 17.

485 Segments of society, including religious leaders, reportedly believe that apostasy from Islam is punishable by death; see, e.g. Rudaw, *Converts Must Die: Kurdistan's Zoroastrians Outraged by Islamic Preacher*, 5 February 2017, https://bit.ly/2kdHRBK. See also, Christianity Today, *Muslim Refugees Are Finding Christ – And Facing Backlash*, 14 March 2018, https://bit.ly/2sOpYvF; World Watch Monitor, *Christian Convert in French Refugee Camp Told: 'We Will Kill You'*, 2 November 2016, https://bit.ly/2JHIjEp.

486 "*Christians with a Muslim background experience most pressure from extended family and often keep their faith a secret to avoid threats from family members, clan leaders and the society around them. Converts to Christianity from Islam risk losing their inheritance rights and the right or means to marry. Openly leaving Islam leads to difficult situations throughout the country*. (…) *A convert to Christianity was killed by his father-in-law after he became aware of his conversion in September 2018*"; Open Doors, 2019 World Watch List Report – Iraq, 19 January 2019, https://bit.ly/2IB6uVt. See also, Open Doors USA, *Christians in Baghdad: A Church Behind Concrete Walls and Barbed Wire*, 19 July 2017, https://bit.ly/2rfhdKp; Niqash, *Cross-Cultural Love: What Happens when a Christian Falls in Love with a Muslim*, 14 December 2017, https://bit.ly/2HFkUQo; World Watch Monitor, *Christian Convert in French Refugee Camp Told: 'We Will Kill You'*, 2 November 2016, https://bit.ly/2JHIjEp; Danish Immigration Service (DIS), *The Kurdistan Region of Iraq (KRI), Access, Possibility of Protection, Security and Humanitarian Situation, Report from Fact Finding Mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015*, April 2016, www.refworld.org/docid/570cba254.html, p. 174.

487 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, HCR/GIP/04/06, www.refworld.org/docid/4090f9794.html, paras 34-36.

e) Atheists

Although open atheism is extremely rare in Iraq, the number of atheists is reported to be on the rise.[488] Although there are no laws prohibiting "atheism",[489] in some instances, atheists have reportedly been prosecuted for "desecration of religions" and related charges.[490] Moreover, societal tolerance vis-à-vis atheists is reported to be very limited, as evidenced also by the public rhetoric of some politicians and religious leaders.[491] For fear of rejection, discrimination and violence at the hands of their families, private vigilantes and conservative/hardline religious groups,[492] atheists are reported to often keep their views secret.[493]

UNHCR considers that atheists **may be in need of international refugee protection** on the ground of religion,[494] depending on the individual circumstances of the case.

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488 The rising number is reportedly linked to shifting attitudes by some segments of society away from religious conservatism as a reaction to sectarian and extremist-inspired violence; The Atlantic, *The Secular Youth of Iraq Are Laying the Groundwork for Reform*, 5 July 2018, https://bit.ly/2w5gwpl; Al-Monitor, *Iraqi Courts Seeking Out Atheists for Prosecution*, 1 April 2018, https://bit.ly/2pXCqa9; PRI, *ISIS Turned this Young Iraqi Christian into an Atheist*, 17 January 2018, https://bit.ly/2DzaAL6; Washington Times, *Atheists in Muslim World: Silent, Resentful and Growing in Number*, 1 August 2017, https://bit.ly/2IzGhCu; EASO, *EASO COI Meeting Report Iraq Practical Cooperation Meeting 25-26 April 2017 Brussels*, July 2017, www.ecoi.net/en/document/1404903.html, p. 25; Shafaaq News, *Islamic Parties Intimidate, Fear Atheists in Iraq*, 23 June 2017, https://bit.ly/2LdBloq.

489 "*While there does not appear to be an explicit law corresponding to apostasy, restrictions on non-religious identity, exclusion from 'religious freedom', discrimination in family law, and social stigma against atheism, make coming out as non-religious extremely difficult. It is also possible that overt declarations of apostasy may be treated as blasphemous or seditious*"; Humanists International, *Freedom of Thought Report – Iraq*, October 2018, https://bit.ly/2UfWNNA. "*The constitution guarantees freedom of religious belief and practice for Muslims, Christians, Yezidis, and Sabean-Mandeans, but not for followers of other religions or* ***atheists***" (emphasis added); US Department of State, *2017 Report on International Religious Freedom – Iraq*, 29 May 2018, www.ecoi.net/en/document/1436875.html.

490 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 not exceeding 300 Iraqi dinars; Republic of Iraq, *Penal Code*, Law No. 111 of 1969, July 1969, www.refworld.org/docid/452524304.html, Article 372. See also, Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html; USCIRF, *Respecting Rights? Measuring the World's Blasphemy Laws*, November 2018, https://bit.ly/2AsZuoP, p. 57; Humanists International, *Freedom of Thought Report – Iraq*, October 2018, https://bit.ly/2UfWNNA; Al-Monitor, *Iraqi Courts Seeking Out Atheists for Prosecution*, 1 April 2018, https://bit.ly/2pXCqa9.

491 New Humanist, *Is there a Way back from Sectarianism in Iraq?,* 5 March 2018, https://bit.ly/2rUeTI0. According to reports, atheism in Iraq is often conflated with secularism, communism, liberalism, anti-Islam, the former regime of Saddam Hussein, and more generally with immoral behavior; Atheist Refugee Relief, accessed 30 April 2019, https://bit.ly/2RsFsQL; Humanists International, *Freedom of Thought Report – Iraq*, October 2018, https://bit.ly/2UfWNNA; Al-Monitor, *Iraqi Courts Seeking Out Atheists for Prosecution*, 1 April 2018, https://bit.ly/2pXCqa9; Shafaaq News, *Islamic Parties Intimidate, Fear Atheists in Iraq*, 23 June 2017, https://bit.ly/2LdBloq; Baghdad Post, *Iraq Suffers from Spread of Atheism due to Religious Extremism*, 11 January 2017, https://bit.ly/2Iwpowp.

492 The Freedom of Thought Report for 2018 included Iraq in the list of countriest that prepetrate "*grave violations*" against non-religious persons, ranking it 169 out of 196 countries; Humanists International, *Freedom of Thought Report – Iraq*, October 2018, https://fot.humanists.international/. See also, The Atlantic, *The 'Underground Railroad' To Save Atheists*, 18 January 2018, https://theatln.tc/2mWjPL4; Shafaaq News, *Islamic Parties Intimidate, Fear Atheists in Iraq*, 23 June 2017, https://bit.ly/2LdBloq; Faisal Al Mutar (Blog), *Iraqi College Student Kicked Out of University for Defending the Right for Atheists to Live*, 16 January 2017, https://bit.ly/2s0NwMJ; Canada: Immigration and Refugee Board of Canada, *Iraq: Information on the Treatment of Atheists and Apostates by Society and Authorities in Erbil; State Protection Available (2013-September 2016)*, 2 September 2016, www.refworld.org/docid/57dfa5444.html; DIS, *The Kurdistan Region of Iraq (KRI), Access, Possibility of Protection, Security and Humanitarian Situation, Report from Fact Finding Mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015*, April 2016, www.refworld.org/docid/570cba254.html, p. 173; Pacific Standard, *The Hard Lives of Non-Believers in the Middle East*, 21 January 2016, https://bit.ly/2JARhjn.

493 "*Being openly atheist is risky and rare* (…)"; Humanists International, *Freedom of Thought Report – Iraq*, October 2018, https://bit.ly/2UfWNNA. See also, Washington Times, *Atheists in Muslim World: Silent, Resentful and Growing in Number*, 1 August 2017, https://bit.ly/2IzGhCu; Shafaaq News, *Islamic Parties Intimidate, Fear Atheists in Iraq*, 23 June 2017, https://bit.ly/2LdBloq; The New Arab, *Iraq's New Atheism in the Shadow of Islamic State*, 31 October 2016, https://bit.ly/2eTK1jE; Canada: Immigration and Refugee Board of Canada, *Iraq: Information on the Treatment of Atheists and Apostates by Society and Authorities in Erbil; State Protection Available (2013-September 2016)*, 2 September 2016, www.refworld.org/docid/57dfa5444.html.

494 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

6) Journalists and other Media Professionals who Engage in Critical Reporting on Political or other Sensitive Issues

Across Iraq, journalists and other media professionals are reported to be at risk of harassment, intimidation, physical assault, confiscation or destruction of equipment, arbitrary arrest, prosecution (e.g. on defamation charges),[495] and in some cases, abduction and killing by various actors, including central, regional or local authorities, the ISF and affiliated forces, ISIS, as well as political, tribal and business figures and their security staff.[496] Journalists and other media professionals who report on protests, investigate controversial political or other sensitive issues, including corruption, abuse of authority, weak government capacity, or poor security, or are seen as criticizing government officials and affiliates, are reported to be particularly targeted.[497] As most Iraqi news and television stations (including in the KR-I) are owned by political parties, party-affiliated armed groups or the authorities,[498] 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.[499] At the time of writing a new "Information Technology Crimes Law", also known as the cybercrime law, is under consideration by parliament. Observers noted that the law posed a further threat to the freedom of expression, as it would impose heavy prison sentences, including life imprisonment, and fines of up to 50 million Iraqi Dinars (42,000 USD) for online statements that might come within the scope of vaguely

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the 1967 Protocol Relating to the Status of Refugees, 28 April 2004, HCR/GIP/04/06, www.refworld.org/docid/4090f9794.html, paras 5-6.

495 "*In* (…) *Iraq (156th), politicians and businessmen sue journalists, have them arrested, or put pressure on the media they work for so that they are forced to censor themselves*"; RSF, *2019 RSF Index: Middle East's Journalists Deliberately Targeted*, April 2019, https://bit.ly/2IVpmgt.

496 CPJ recorded the killing of 185 journalists since 2003. The majority were targeted for murder, while the remainder were killed in crossfire or other acts of indiscriminate violence. Between 2012 and 2017, a renewed spike in killings has been documented, including six killings in 2015 (all targeted for "*murder*" by "*political group*"), six in 2016 (including two targeted for murder by a "*political group, according to CPJ) and eight in 2017 (one murder by a "political group*"). In 2018, no killings were recorded by CPJ; CPJ, *Journalists Killed in Iraq since 1992*, accessed 30 April 2019, https://cpj.org/mideast/iraq/. In 2018, CPJ ranked Iraq third on its yearly "*Impunity Index*"; CPJ, *Getting Away with Murder*, 29 October 2018, https://cpj.org/x/74ad. RSF ranked Iraq 156 out of 180 countries in its World Press Freedom Index 2018; RSF, *2019 RSF Index: Middle East's Journalists Deliberately Targeted*, April 2019, https://bit.ly/2IVpmgt. See also, RSF, *Still Dangerous for Journalists*, accessed 30 April 2019, https://rsf.org/en/iraq; CPJ, *Iraqi Militias Use Threats, Violence to Keep Basra Press in Line*, 19 February 2019, http://bit.ly/2F6pfet; UNESCO, *Director General Condemns Killing of Samir Ali Hussein Shgara in Iraq*, 19 January 2019, https://shar.es/amarKt; The Arab Weekly, *Journalism under Threat in Iraq's South*, 2 December 2018, https://bit.ly/2TMNV1x; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, pp. *vii*, 17; The New Arab, *Journalists Fight to Survive in Iraq, Dreaming of a Career Beyond War Reporting*, 12 June 2018, https://bit.ly/2zkTWL3.

497 "*Investigative reporting on corruption or embezzlement exposes journalists to serious threats*"; RSF, *Still Dangerous for Journalists*, accessed 30 April 2019, https://rsf.org/en/iraq. See also Section III.A.3 ("*Persons Opposing, or Perceived to Be Opposing, the Government or those Affiliated with the Government*") and III.A.4 ("*Persons Opposing, or Perceived to Be Opposing, the KRG*").

498 Al-Ahram Weekly, *Free Speech under Attack in Iraq*, 2 August 2018, https://bit.ly/2APz8i6; Freedom House, *Freedom of the Press 2017 – Iraq*, 1 November 2017, www.refworld.org/docid/59fc67e0a.html; GICJ, *GICJ Submissions to the 35th Session of the Human Rights Council, June* 2017, http://bit.ly/2FDe7F1, p. 8; Media in Cooperation and Transition, *In Defence of the Iraqi Media: Between Fuelling Conflict and Healthy Pluralism*, 2017, http://bit.ly/2HAipxt, pp. 6, 9-10, 21. For an overview of media outlets in the KR-I and their political affiliation, see Research Directorate, Immigration and Refugee Board of Canada, *Iraq: Media in Kurdistan, Including Social Media; Political Affiliations of Media Outlets; Treatment of Journalists (2016-January 2019) [IRQ106240.E]*, 4 February 2019, www.ecoi.net/en/document/2003518.html.

499 "*Working for a media outlet that is owned by a militia does not guarantee safety in Iraq* (…) *because threats could come from rival militias*"; The New Arab, *Journalists Fight to Survive in Iraq, Dreaming of a Career Beyond War Reporting*, 12 June 2018, https://bit.ly/2zkTWL3. "(…) *the most powerful restrictions on press freedom are not imposed by the government but by non-state actors* (…)*. Indeed, armed militias and extremist elements regularly target journalists and media outlets, who as a result, are reluctant to tackle delicate issues relating to these groups.* (…) *Journalists have stated that they are expected to support the state and non-state troops in their fight and to turn a blind eye on human rights violations committed by these groups*"; MiCT, *In Defence of the Iraqi Media: Between Fuelling Conflict and Healthy Pluralism*, 2017, http://bit.ly/2HAipxt, p. 11. See also, Al-Ahram Weekly, *Free Speech under Attack in Iraq*, 2 August 2018, https://bit.ly/2APz8i6; Al Jazeera, *Is Iraq the most Dangerous Country for Journalists?*, 1 November 2017, http://bit.ly/2nmdoB1.

worded provisions such as "*undermining the independence of the country, its peace, or its economic, political, military, or security interests*."[500]

In the KR-I, journalists and other media professionals who engage in critical reporting on political or other sensitive issues are reported to be subjected to intimidation, physical assault, confiscation or destruction of equipment, arbitrary arrest and politically-motivated prosecution (e.g. on charges of defamation or terrorism), mostly at the hands of the KRG authorities.[501] In some instances, journalists are reported to also have been targeted for abduction and killing; however, most cases remain unresolved as they are reportedly not promptly and transparently investigated by the authorities.[502] Incidents of interference in journalistic activities and attacks against journalists, media professionals and media outlets perceived as critical of the KRG are most frequently reported during political events or security crises.[503]

UNHCR considers that 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 their political opinion or imputed political opinion, their religious views, and/or other relevant grounds, depending on the individual circumstances of the case.

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500 Amnesty International, *Iraq: Fist Around Freedom of Expression Tightens*, 1 March 2019, http://bit.ly/2UBDMpc. See also, Al Jazeera, *Freedom of Expression Is under Threat in Iraq, again*, 6 March 2019, https://aje.io/pqjnp; GC4HR, *Iraq: Freedom of Opinion and Expression at Risk under New Cybercrime Law which Imposes Penalties of Life Imprisonment*, 15 January 2019, http://bit.ly/2W0Eexp.

501 In 2018, the Kurdistan Journalists Syndicate recorded 132 incidents of violations committed against journalists in the KR-I and the disputed areas, including 70 instances in which media was prevented from covering events, 43 cases of assault, insult, and beating, 13 cases of arrest, one case of death, four cases of shooting, and two cases of closure of television channels; Rudaw, *Journalists Barred from Events Biggest Press Problem in 2018: Local Watchdog*, 13 January 2019, https://bit.ly/2IKVxkB. The local press freedom group Metro Center to Defend Journalists documented 419 violations against 338 journalists and media outlets in the KR-I in 2017, representing a significant increase compared to 2016, when 175 violations against 148 journalists and media out-lets were reported. In 2017, six journalists died, two of whom were allegedly assassinated. Other reported incidents included: *impeded* [i.e. prevented from reporting] (206 incidents), *attacked and being beaten* (58), *detained without arrest warrant* (33), *confiscating* and *breaking journalistic equipment* (25 and 12, respectively), *threats* (18), and *attacks against media offices* (8); Metro Center, *The Law Does not Protect Us Lack of Supremacy of Law Menaces Democracy and Freedom of Press*, 13 January 2018, http://bit.ly/2FrnUxm; NRT, *Metro Center: Six Journalists Died in Kurdistan During 2017*, January 2018, http://bit.ly/2nuxEQr; Metro, *The Annual Report on Violations Against Journalists in Kurdistan Region – Iraq 2016*, 16 January 2017, https://bit.ly/2iHHvOg, p. 2. See also, Amnesty International, *Iraq: Fist Around Freedom of Expression Tightens*, 1 March 2019, http://bit.ly/2UBDMpc, pp. 3-4; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, pp. *vii*, 18-19; Bertelsmann Foundation, *BTI 2018 Country Report – Iraq*, 2018 www.ecoi.net/en/file/local/1427413/488298_en.pdf, p. 11; CPJ, *Kurdish Authorities Detain Journalist who Reported on Theft Verdict*, 24 May 2017, https://cpj.org/x/6cd9; HRW, *Iraq and Kurdistan Region Share Bad Behavior: Suppressing Media*, 20 December 2017, www.ecoi.net/en/document/1420462.html; RSF, *Alarming Violence Against Journalists in Northern Iraq*, 31 October 2017, www.ecoi.net/en/document/1416897.html; Niqash, *When the Sword Is Mightier: Iraqi Kurdistan's Murdered Journalists still Wait for Justice*, 20 April 2017, https://bit.ly/2JycvP5.

502 "*Concerns raised focused in particular on the reported lack of effective investigations into the killings of Kurdish journalists and media professionals, and little or no accountability. This impunity has led to an overall mistrust in the criminal justice system and in turn increased fear among the media community to continue their critical reporting. This fear is heightened by their impression that the powerful figures who were the subject of criticism by the deceased journalists might be behind their killings and may even enjoy the protection of the justice system*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 39. See also, RSF, *Iraq: Reopen Probe into Kurdish Editor's Murder Five Years Ago, RSF Says*, 5 December 2018, www.ecoi.net/en/document/1453403.html; Rudaw, *UNESCO Condemns Killing of Kurdish Journalist*, 3 November 2017, http://bit.ly/2CN4fqM; CPJ, *Kurdish Journalist Killed, Others Attacked amid post Referendum Tensions*, 30 October 2017, http://bit.ly/2EuG80r; Freedom House, *Freedom of the Press 2017 – Iraq*, 1 November 2017, www.refworld.org/docid/59fc67e0a.html; Niqash, Cr*ackdown on Dissent – Deaths of Journalists in Sulaymaniyah Undermine History of Free Speech*, 12 September 2017, http://bit.ly/2y79Fds; Ekurd Daily, *'Armed Men' Break into Kurdish NRT TV Office in Duhok, Iraqi Kurdistan*, 1 September 2017, http://bit.ly/2qT89NF; Niqash, *When the Sword Is Mightier: Iraqi Kurdistan's Murdered Journalists still Wait for Justice*, 20 April 2017, https://bit.ly/2JycvP5.

503 Amnesty International, *Human Rights in Iraq: Review of 2018*, 26 February 2019, https://bit.ly/2EkxROr, p. 2; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 18; ICSSI, *The Reality of Freedom of Press and Expression in the Kurdistan Region in 2018 so far*, 20 May 2018, https://bit.ly/2Lzcy27. See also Section III.A.4 ("*Persons Opposing, or Perceived to Be Opposing, the KRG*").

7) Humanitarian Workers

Over the years, individuals working for UN organizations or national and international non-governmental humanitarian organizations have been a target of attacks by mainly ISIS, including on account of perceptions that they are affiliated with the US, or with opposing parties to the conflict. Forms of targeting are reported to include intimidation, physical assault, arrest and detention, and, in some cases, abduction and killing.[504] Humanitarian workers in IDP camps with a presence of armed actors are particularly vulnerable to attacks,[505] specifically those providing legal assistance to families related to real or perceived ISIS members.[506]

UNHCR considers that humanitarian workers **may be in need of international refugee protection** on the basis of their political opinion or imputed political opinion, and/or other relevant grounds, depending on the individual circumstances of the case.

8) Women and Girls with Certain Profiles or in Specific Circumstances[507]

Women and girls are reported to face legal and societal discrimination[508] and specific forms of violence on account of their gender, including sexual violence, domestic violence, "honour"-based violence, forced and child marriage, FGM and trafficking for the purpose of sexual exploitation and forced prostitution.[509]

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504 The International NGO Safety Organisation (INSO) recorded four fatalities and one injury involving national NGO staff in 2018. However, no information is available whether these casualties had criminal or conflict-related causes. In total, 93 security incidents involving NGO workers were recorded between January and December 2018. Over half of these incidents (58 per cent) were qualified as "*assaults*", in addition to "*arrest/detention*", "*direct fire*", "*intimidation*", "*robbery*" and "*IED/ordnance*"; INSO, *NGO Incident Rate – Jan to Dec 2018*, accessed 30 April 2019, www.ngosafety.org/country/iraq. On reported attacks against humanitarian workers in 2017 and preceding periods, see also, Humanitarian Outcomes, *Aid Worker Security Database*, last updated 23 April 2019, https://bit.ly/2Rp9pkw.

505 UNHCR and others have recorded incidents of harassment and threats against humanitarian workers by armed actors present in IDP camps: "*A continued military presence in camps across Iraq, the sexual harassment of women and girls, diversion of humanitarian assistance, detention and disappearance of camp residents, recruitment activities inside the camps* ***and armed actors' attacks on humanitarian staff,*** *despite the Prime Minister's 2017 directive on the civilian character of camps, remain deeply concerning*" (emphasis added]; Special Representative of the UNSG for Iraq, *Briefing to the Security Council by SRSG for Iraq Ján Kubiš*, 30 May 2018, https://bit.ly/2O3k6eP. See also Humanitarian Outcomes, *Aid Worker Security Database*, last updated 23 April 2019, https://bit.ly/2Rp9pkw [see incident recorded for 7 January 2019 concerning the treatment of a guard at an IDP camp south of Mosul]. See also, Section II.F ("*Humanitarian Situation*").

506 See Section III.A.1 ("*Persons Wrongly Suspected of Supporting ISIS*").

507 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, HCR/GIP/02/01, 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.

508 Yanar Mohammed, president of the Organization of Women's Freedom in Iraq (OWFI), stated that "*discriminatory practices against women have become a fait accompli and the norm in Iraqi families in rural areas as well as big cities, including Baghdad, after the rise to power of Islamist parties*"; The Arab Weekly, *The Dangerous Lives of Iraqi Women Activists*, 6 January 2019, https://bit.ly/2RsStxr. "*Southern Iraq has become more socially conservative with many restrictions placed upon the free movement and expression of women. Women cannot walk freely in some parts of Basrah without fear of harassment or assault. Most women in Basrah wear conservative Islamic dress, consisting of at a minimum a head cover, in keeping with local culture and to avoid provoking a negative response while out in public*"; US Department of State / Bureau of Diplomatic Security, *Iraq 2018 Crime & Safety Report: Basrah*, 20 March 2018, http://bit.ly/2DD5BWT. See also, Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html; Redress, *Supplement to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Guidance for Practitioners in Iraq*, March 2018, www.refworld.org/docid/5ac785c04.html (hereafter: Redress, *Guidance for Practitioners in Iraq*, March 2018, www.refworld.org/docid/5ac785c04.html), p. 3; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 11; Hamdi Malik, *Media, Gender and Domestic Relations in Post-Saddam Iraq*, Doctoral thesis, Keele University, June 2018, https://bit.ly/2J3cVxm, p. 99; Christian Science Monitor, *When Iraqi Women Face Discrimination, Her Legal Clinic Can Help*, 25 March 2018, https://bit.ly/2GaAOEM; Niqash, *In Conservative Tribal Societies, Iraqi Men Still Vote on Behalf of Female Relatives*, 1 March 2018, https://bit.ly/2EXvdSp; LSE, *Gender Equality in Iraq and Iraqi Kurdistan*, 5 January 2018, https://bit.ly/2xDGWym.

509 "*According to preliminary data for 2018, the total number of reported acts of violence against women (excluding murders and suicides) has exceeded the total for 2017 (7,129 compared with 6,987). Ineffective preventive and response measures continue*

Women without male support provided by their family or tribal network, including widows,[510] divorcees,[511] and those who escaped situations of domestic violence, "honour" crimes, or forced or child marriage, are reported to be particularly vulnerable to further abuse, exploitation and trafficking.[512] Single mothers and their children are reported to face social rejection and stigmatization.[513]

In the KR-I, the authorities introduced a number of legislative and institutional reforms aimed at addressing violence against women.[514] Despite these efforts, gender-based violence is reported to remain high,[515] including as a result of weak implementation and predominant patriarchal gender norms.[516]

In all of Iraq, most cases of violence against women are thought to remain unreported[517] due to high levels of social stigmatization,[518] societal perceptions that domestic issues should be dealt with as

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to hinder the protection of women against violence"; UNSC, *Implementation of Resolution 2421 (2018)*, 1 February 2019, https://bit.ly/2H5licP, para. 39. See also below Sections b) – g).

510 "*When suddenly left without a husband, newly widowed women have few resources and very little idea of what to do next. The same social customs that kept many of them from being educated as young women now prevent them from working as adults, despite the fact that many are in acute economic need. Begging widows have become commonplace in Iraqi cities*"; International Museum of Women, *Iraqi Widows Organization: Rebuilding and Hope*, 2018, https://bit.ly/2OfuXkX. See also, Al Jazeera, *Controversial Plan to 'Help' Iraq's Million War Widows*, 19 October 2018, https://bit.ly/2JxVTYq; OCHA, *Iraq: "We Didn't See Anything of Life." The Widows of Aden, East Mosul*, 1 September 2017, https://bit.ly/2OGzJoD; UNHCR, *Mosul's War Widows Face New Challenges in Displacement*, 4 July 2017, https://bit.ly/2uok0AS.

511 "*Divorced women who return to live with their families are often subject to further types of abuse and stigma due to their status as divorced women*"; MRGI, *The Lost Women of Iraq: Family-based Violence During Armed Conflict*, October 2015, www.refworld.org/docid/5bc744d24.html, p. 15. See also, Niqash, *In Baghdad, Newly Divorced Women Celebrate Split Their Way*, 3 August 2017, https://bit.ly/2PE9enG.

512 US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html; UNAMI, *Report on Human Rights in Iraq: January to June 2017*, 14 December 2017, www.refworld.org/docid/5a746d804.html, p. *x*; Contemporary Review of the Middle East, *Fragile State in Iraq and Women Security*, Vol. 4(3), July 2017, https://bit.ly/2CX5g2E, pp. 14-15; Reuters, *Iraqi Widows, Mothers and Girls Face Heightened Risks in Displaced Camps*, 7 April 2016, https://reut.rs/2DkJZBK.

513 See Section III.A.9 ("*Children with Certain Profiles or in Specific Circumstances*").

514 Most notably, the KRG authorities passed the *Act of Combating Domestic Violence in the Kurdistan Region of Iraq* (Law No. 8 of 2011), which, *inter alia*, prohibits violence within marriage, FGM and forced and child marriage. Furthermore, specific bodies to deal with women's rights have been established; LSE, *Gender Equality in Iraq and Iraqi Kurdistan*, 5 January 2018, https://bit.ly/2xDGWym; *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. See also, Crescent Journal of Medical and Biological Sciences (CJMB), *Women's Health and Status in the Kurdistan Region of Iraq: A Review*, Vol. 5(2), April 2018, https://bit.ly/2qnetJY, p. 72.

515 "*Head of the General Directorate of Combating Violence Against Women Kurda Omar told NRT channel on Nov. 6* [2018] *that in the first 10 months of 2018, violence against women has increased both at home and at work, particularly sexual violence."* According to official statistics, "[I]*n the first nine months of this year* [2018]*, 91 women were killed or 'committed suicide' in the Kurdistan region, 203 women either 'burned themselves' or were burned, 87 sexual assault cases were recorded, and 7,191 women complained about being subjected to violent acts* (…)*"*; Al-Monitor, *Iraqi Kurdistan Struggles to End Violence Against Women*, 18 December 2018, http://almon.co/35bq.

516 "(…) *the legal changes and measures in the KRI have not necessarily led to meaningful and significant changes in practice. There is significant time gap between the adoption and implementation of new laws and policies, and judges (mostly male) do not always implement the new laws that provide gender equality and fairness. The vague reference to Sharia Law in the Iraqi Constitution also leads judges to interpret Islamic rules differently*"; LSE, *Gender Equality in Iraq and Iraqi Kurdistan*, 5 January 2018, https://bit.ly/2xDGWym. "(…) *laws are not often supported by implementation mechanisms, and economic conditions have severely restricted the availability of resources for implementation*"; UNAMI, *Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq*, 22 August 2017, www.refworld.org/docid/59b67bf04.html, para. 26. See also, LSE, *Outperforming Baghdad? Explaining Women's Rights in the Kurdistan Region of Iraq*, 8 February 2017, https://bit.ly/2CyhegB. Families are also reported to often refer instances of violence against women to the social offices of the KDP and the PUK, respectively, "*where disputes between families and tribes are resolved outside the boundaries of the court system with the participation of tribal chiefs*"; Al-Monitor, *Iraqi Kurdistan Struggles to End Violence Against Women*, 18 December 2018, http://almon.co/35bq.

517 "*Many GBV survivors refuse to be referred to specialized services due to fear of stigmatization, reprisals including honour killing and other forms of violence, or due to the lack of trust in available services and avenues for legal redress*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 31.

518 "*Women often choose not to unveil the real story of violence to the health or social workers. This reluctance could be related to different reasons such as fear, lack of trust or stigmatization. In fact, the women who reveal the violence might experience unfavorable consequences such as divorce, stigmatization and even more violence*"; CJMB, *Women's Health and Status in the Kurdistan Region of Iraq: A Review*, Vol. 5(2), April 2018, https://bit.ly/2qnetJY, p. 72. See also, Albawaba, *'Gift of a Rapist': Taking the Fight over Marriage Laws to the Streets of Baghdad*, 29 April 2018, https://bit.ly/2QjNWwD; UNSC, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 23 March 2018, S/2018/250, www.refworld.org/docid/5b29148d7.html,

"family matters",[519] lack of police and judicial personnel trained to deal with gender-based violence cases,[520] as well as a lack of protective legislation.[521]

Although the Iraqi government has opened some shelters in recent years, their capacity and outreach reportedly remains limited.[522] In addition, a local NGO runs a number of secret safe houses; however, the Government considers these shelters to be illegal.[523] As a result, they are at risk of closure as well as raids and attacks by security forces, affiliated forces, as well as family members,[524] who perceive

para. 45; Global Justice Center (GJC), *Iraq's Criminal Laws Preclude Justice for Women and Girls*, March 2018, https://bit.ly/2LyhrUy, p. 5.

519 "*There is* (…) *reluctance among law enforcement agencies to effectively, promptly, thoroughly, independently and impartially investigate such crimes or to hold perpetrators accountable as in many cases these issues are considered to be internal to the family and not the responsibility of law enforcement to address*"; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 11.

520 In central and southern Iraq, since 2007, 16 Family Protection Units, located in separate buildings at police stations in each governorate, have been responsible for receiving complaints of violence from women and children. Their ability to protect women and children has reportedly been limited due to a lack of capacity, staffing by male employees, and regular prioritization of family reconciliation over victim protection; US Department of State, *2017 Trafficking in Persons Report – Iraq*, 27 June 2017, www.refworld.org/docid/5959ecb7a.html; HRW, *Domestic Violence in Iraq: Commentary on the Draft Law on Anti-Domestic Violence in Iraq*, 19 March 2017, www.refworld.org/docid/5bb6070b4.html.

521 Iraqi laws do not criminalize all forms of violence against women. For example, article 398 of the Penal Code of 1969 exempts perpetrators of rape or sexual assault from punishment if they lawfully marry their victims. 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. Moreover, marital rape is not criminalized (except in the KR-I); Republic of Iraq, *Penal Code*, Law No. 111 of 1969, July 1969, www.refworld.org/docid/452524304.html, Article 398; Criminal Procedure Code 23 of 1971 (Law Number 23 of 1971, as amended 14 March 2010), *GJPI Annotated and Amended Translation*, 29 October 2010, https://bit.ly/2PSKcNP, Article 3(A)(iii). See also, Equality Now, *Campaigners Demand End to 'Marry Your Rapist' Law in Iraq*, 3 May 2018, https://prn.to/2OEOfx2; GJC, *Iraq's Criminal Laws Preclude Justice for Women and Girls*, March 2018, https://bit.ly/2LyhrUy; The Arab Weekly, *Domestic Violence in Iraq on the Rise in the Absence of Protective Laws*, 16 July 2017, https://bit.ly/2Dkv6zj.

522 US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html; UNFPA, *Giving Women a Second Chance; Inauguration of the First Shelter for GBV Survivors in Baghdad*, 9 March 2018, http://bit.ly/2pYWRDY. "(…) *there is a desperate need for more shelters*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 43. "*With limited resources,* (…) *shelters can offer only meager accommodations in few scattered places, making it difficult for victims to find them*"; Journal of International Affairs (JIA), *Countering Iraq's Anti-Shelter Policy in the Islamic State Era*, 28 March 2018, http://bit.ly/2yoA9Ke. See also, UNAMI, *Report on Human Rights in Iraq: January to June 2017*, 14 December 2017, refworld.org/docid/5a746d804.html, p. *x*; Huffington Post, *To Protect People Fleeing Mosul, Undo Iraq's Anti-Shelter Policy*, 22 October 2017, https://bit.ly/2NsgnHp. On 3 January 2019, a fire in one of the governmental shelters in Baghdad reportedly killed several women. It has been alleged that the ill-treatment of women at the shelter resulted in a "*mass suicide*"; OWFI, *Condemnation of the Killing of Six Young Iraqi Women in the Governmental Rehabilitation Shelter for Teenagers in Al-Athamiya*, 6 January 2019, https://bit.ly/2L2VwcO; Rudaw, *Six Killed in Fire at Baghdad Women's Shelter*, 4 January 2019, https://bit.ly/2XGL4cf.

523 The Iraqi authorities reportedly consider the establishment of shelters for survivors or those at risk of SGBV and trafficking to be their sole prerogative; BBC, *Inside Iraq's Secret Shelters for Domestic Violence Survivors*, 3 December 2018, https://bbc.in/2BO7TTd; MERIP, *"ISIS Is One Piece of the Puzzle"*, MER276, summer 2018, https://bit.ly/2yqK1mL; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 13; JIA, *Countering Iraq's Anti-Shelter Policy in the Islamic State Era*, 28 March 2018, http://bit.ly/2yoA9Ke; Common Dreams, *Survivors Need Shelter, but Shelters Need Legal Protection in Iraq*, 21 March 2018, https://goo.gl/w6womS; MADRE, *Open Letter to the U.N. Security Council on Shelter Raids in Iraq*, December 2017, https://bit.ly/2CqYWko.

524 "*The Special Rapporteur was alarmed to discover that the few organizations providing such shelter – filling a gap due to lack of publicly funded shelters – are targeted and stigmatized, their offices raided by police and their staff intimidated and threatened by various actors*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 43. "*Without official protection, local organizations must routinely relocate their shelters to protect survivors from being found by family members who track women down for escaping attempted honor killings, domestic violence, or forced marriage.* (…) *safe house administrators are also vulnerable to imprisonment by police and death threats by militias*"; JIA, *Countering Iraq's Anti-Shelter Policy in the Islamic State Era*, 28 March 2018, http://bit.ly/2yoA9Ke. "*The shelters have faced different degrees of harassment, from police raids to the appearance of OWFI activists' names on the 'kill lists' of militias affiliated with the government*"; MERIP, *"ISIS Is One Piece of the Puzzle"*, MER276, summer 2018, https://bit.ly/2yqK1mL. See also, OWFI, *Condemnation of the Killing of Six Young Iraqi Women in the Governmental Rehabilitation Shelter for Teenagers in Al-Athamiya*, 6 January 2019, https://bit.ly/2L2VwcO; US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html; Common Dreams, *Survivors Need Shelter, but Shelters Need Legal Protection in Iraq*, 21 March 2018, https://bit.ly/2PUaIq2; MADRE, *Open Letter to the U.N. Security Council on Shelter Raids in Iraq*, December 2017, https://bit.ly/2CqYWko.

them as places "*where a group of immoral women reside without a male guardian*".[525] During such raids, the women are reportedly at risk of being handed over to their families.[526]

In the KR-I, the Ministry of Social Affairs is reported to be operating shelters for female survivors and those at risk of domestic violence and trafficking.[527] In addition, some local NGOs have reportedly been permitted to operate shelters for women fleeing domestic violence.[528] Both government and NGO-run shelters are reported to suffer from a lack of funding, limited capacity, poor quality of services as well as security risks.[529] A major obstacle for women to access government-run shelters in the KR-I is that admission requires a judicial order, meaning that formal legal proceedings must be initiated against the perpetrator.[530]

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. 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 killings".[531]

Violence against women and girls is particularly targeted against those with the following specific profiles or circumstances:

525 JIA, *Countering Iraq's Anti-Shelter Policy in the Islamic State Era*, 28 March 2018, http://bit.ly/2yoA9Ke. "*There is no modality of women living independently. In the very conservative mindset that prevails, the only interpretation of a house where single women live is that it's a brothel.* (…) *Someone escaping the threat of honor killing is seen as a fugitive who has done something wrong. Therefore, a shelter is not seen as providing sanctuary to innocent victims; it's seen as harboring people who have broken social norms and deserve punishment*"; MERIP, *"ISIS Is One Piece of the Puzzle"*, MER276, summer 2018, https://bit.ly/2yqK1mL. See also, Oxfam, *Gender and Conflict Analysis in ISIS Affected Communities of Iraq*, 30 May 2017, https://bit.ly/2yuLRCT, p. 34.

526 OWFI, *Condemnation of the Killing of Six Young Iraqi Women in the Governmental Rehabilitation Shelter for Teenagers in Al-Athamiya*, 6 January 2019, https://bit.ly/2L2VwcO. See also, BBC, *Inside Iraq's Secret Shelters for Domestic Violence Survivors*, 3 December 2018, https://bbc.in/2BO7TTd; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 13. "*When police raids occur, officers insist that residents let their families know where they are, putting these survivors at grave risk*"; JIA, *Countering Iraq's Anti-Shelter Policy in the Islamic State Era*, 28 March 2018, http://bit.ly/2yoA9Ke.

527 US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html.

528 JIA, *Countering Iraq's Anti-Shelter Policy in the Islamic State Era*, 28 March 2018, http://bit.ly/2yoA9Ke. In some instances, the authorities have reportedly denied the issuance of "*licences to establish private shelters based on accusations of encouraging prostitution*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 43.

529 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. 23; UNFPA, *UNFPA Denounces the Attacks on Directorates Protecting Women in Iraq*, 29 November 2018, https://shar.es/aaJdOB; US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html. "*Making matters worse, most hotels in the KR-I will not allow single women to stay alone. As a result, there are few viable options where women fleeing violence from their partners or families can stay*"; Ceasefire Centre for Civilian Rights, *Broken Lives: Violence Against Syrian Refugee Women and Girls in the Kurdistan Region of Iraq*, May 2018, https://bit.ly/2yZybPQ, pp. 16-17.

530 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. 23; US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html.

531 Statistics from the General Directorate to Combat Violence Against Women (GDCVAW) show that in the majority of cases the women leave the shelter after "*a guardian has guaranteed their safety or their problems were considered resolved*"; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 13. See also, Al-Jazeera, *Combating Domestic Violence in Iraq's Kurdish Region*, 7 October 2018, https://bit.ly/2CnjHg1.

a) Women in the Public Sphere

Women active in political and social spheres, including rights activists,[532] election candidates, businesswomen, journalists,[533] as well as models and beauty contestants, are reported to have been subjected to intimidation, harassment and threats,[534] often forcing them to withdraw from the public sphere, or to flee the country.[535] In September 2018, a series of assassinations of prominent women was reported, including the killings of a civil rights activist in Basrah and a social media figure in Baghdad,[536] raising concern over the increased targeting of women perceived as contravening social mores and traditional gender roles.[537]

b) 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 IDP situations;[538] in forced

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532 Women activists and human rights defenders are reported to be at heightened risk of being targeted on the cumulative grounds of their gender and their activities: "*Gendered abuses of women HRDs* [human rights defenders] *can take the form of online targeting and harassment, 'shaming' campaigns, refusal to issue personal status documents, verbal abuse and sexual violence including rape.* (…) *Women HRDs in Iraq are often working in extreme conditions at great personal risk*"; Ceasefire Centre for Civilian Rights / MRGI, *Civilian Activists under Threat in Iraq*, December 2018, https://bit.ly/2UnHNgl, p. 20. See also, MERIP, *"ISIS Is One Piece of the Puzzle"*, MER276, summer 2018, https://bit.ly/2yqK1mL; Shahrazad Team, *Guarantee Me a Safe Environment, I Will Protect Your Rights and Secure Your Freedoms – Safety and Protection of Women Human Rights Defenders in Iraq*, 24 November 2017, http://bit.ly/2EZDDrZ; ICSSI, *The Digital Clinic: A New Resource to Protect Women Activists on Social Media!,* 12 November 2017, http://bit.ly/2t3bkDf; Morocco World News, *Killing Is not My Culture: Women Challenging Honor Killings in Iraqi Kurdistan*, 31 July 2017, https://bit.ly/2oeXKu5.

533 The New Arab, *Journalists Fight to Survive in Iraq, Dreaming of a Career Beyond War Reporting*, 12 June 2018, https://bit.ly/2zkTWL3. See also Section III.A.6 ("*Journalists and other Media Professionals*").

534 Kurdistan 24, *Kurdish Female MPs Denounce Blackmail Attempt on Fellow Lawmaker*, 25 April 2019, https://bit.ly/2ULsRZu; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html; Middle East Monitor, *Iraq's First Female Presidential Candidate Threatened, Urged to Withdraw*, 2 October 2018, https://bit.ly/2PB1zD8; Reuters, *Women Standing in Iraq Election Battling Abuse Including Sex Tapes,* 11 May 2018, https://reut.rs/2QUsEBk; Rudaw, *Iraqi Politics 'Not Even Close' To Achieving Women's Equality: Female Voters*, 9 May 2018, https://bit.ly/2rxxKcx; The Economist, *Female Candidates Are Facing a Backlash in Iraq*, 8 May 2018, https://econ.st/2PDGOGV; VOA, *Tough Road for Iraq's Female Candidates in May 12 Elections*, 3 May 2018, https://bit.ly/2OtpYxX.

535 According to Hanaa Edwar, a women's rights activist based in Baghdad, "(…) *many businesswomen in Basra stop their activities; young women in media have gone into hiding; women are deactivating or changing their social media profiles. Some of them have changed homes, are living low-key and under the radar*"; BuzzFeed News, *Women Are Retreating from Public Life in Iraq after Several High-Profile Murders*, 6 October 2018, https://bit.ly/2NM7ALE. See also, The Verge, *When Influencing Becomes Deadly*, 18 December 2018, https://bit.ly/2GxdqSK; Time, *Why Did a Former Miss Iraq Flee Her Country?*, 18 October 2018, https://ti.me/2OJwHns; Middle East Monitor, *Iraq's First Female Presidential Candidate Threatened, Urged to Withdraw*, 2 October 2018, https://bit.ly/2PB1zD8; DW (video), *Series of Killings in Iraq Targets High-Profile Women*, October 2018, http://bit.ly/2PRq0wo; Kurdistan 24, *Women Hesitate to Run in Kurdistan Election over Harassment, Verbal Abuse*, 13 August 2018, https://bit.ly/2OAEKPc; The Economist, *Female Candidates Are Facing a Backlash in Iraq*, 8 May 2018, https://econ.st/2PDGOGV; UNAMI, *UN's Kubiš Rejects and Denounces Malicious Acts Against Election Integrity, in Particular Defamation and Threats Against Women, Urges Respect and Civility*, 24 April 2018, https://bit.ly/2EYGVMj.

536 The Government has reportedly launched investigations into the killings. At the time of writing, no results have been made public; New York Times, *A Social Media Star Is Shot Dead in Baghdad. Iraqis Fear a Trend.*, 29 September 2018, https://nyti.ms/2y1pwMs; MEE, *Female Activist's Death Sparks Fears of Assassination Campaign in Basra*, 29 September 2018, https://bit.ly/2xNrWip; Al Jazeera, *Iraqi Activist Soad Al-Ali Shot Dead in Restive Basra*, 26 September 2018, https://bit.ly/2ymU4ct. According to Iraq's then Interior Minister, Qasim al-Araji, the women were targeted by an extremist group, which he declined to name; Iraqi News, *Extremist Group Involved in Murder of Model Tara Fares: Interior Minister*, 8 October 2018, https://bit.ly/2PEwXR4. Other reports hold Shi'ite militias responsible; The Submarine (in Italian), *Le Femministe Irachene non Vogliono Abbassare la Testa*, 24 October 2018, https://bit.ly/2Dkke3R; Washington Post, *After Several High-Profile Murders in Iraq, Here's What Headlines Missed about Their Cause*., 15 October 2018, https://wapo.st/2PfHuVZ; The New Arab, *The Iraq Report: Women's Rights in Danger after Top Activist and Social Media Star Assassinated*, 28 September 2018, https://bit.ly/2PI7tTf.

537 The Arab Weekly, *The Dangerous Lives of Iraqi Women Activists*, 6 January 2019, https://bit.ly/2RsStxr; The Guardian, *Deaths of High-Profile Iraqi Women Spark Fear of Conservative Backlash*, 2 October 2018, https://bit.ly/2P4WByr; Arab News, *Tara Fares Murdered for Daring to Be Female in Baghdad*, 30 September 2018, https://bit.ly/2OXOeVb; New York Times, *A Social Media Star Is Shot Dead in Baghdad. Iraqis Fear a Trend,* 29 September 2018, https://nyti.ms/2NLt5fq.

538 "*According to Omar Mohammed, the founder of Mosul Eye, a network of activists from Mosul, men have formed prostitution rings in some camps, forcing women to engage in sex work. The victims routinely undergo abortions to deal with the unwanted pregnancies.* (…) *Mohammed told Foreign Policy that the trade of women has become so organized that 'women would be taken to Mosul to work as prostitutes, and then are brought back to the camps, while other women are traded between camps'* "; Foreign Policy, *Among Displaced Iraqis, One Group Is Worse Off than the Rest*, 29 April 2019, https://bit.ly/2J7jiBW. "*Sexual and gender-*

marriages or child marriages;[539] and when forced into prostitution or trafficked for sexual purposes.[540] Survivors of sexual violence are reportedly often unwilling to report the violence or initiate legal proceedings.[541] Moreover, Article 398 of the Penal Code provides that charges may be dropped if the assailant marries the victim.[542]

ISIS is reported to have 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.[543] Survivors of ISIS atrocities remain vulnerable to stigma and/or being treated as ISIS affiliates rather than victims.[544] For the Yazidi community, the issue of stigmatization 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 reintegration of women and girls who had been subjected to ISIS enslavement into the community.[545] Nonetheless, Yazidi survivors reportedly fear or experience social stigma and discrimination.[546]

On 7 April 2019, President Barham Saleh announced a law, which would provide for reparation measures to Yazidi female survivors of ISIS captivity. At the time of writing, the law has yet to be enacted

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based violence in Iraq is widespread and reported both in-camp and out-of-camp settings. It is exacerbated by vulnerabilities of women and girls whose husbands, fathers, brothers, and sons have been killed or detained during the conflict against ISIL"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 22. "(…) *women in IDP camps who are members of female-headed households have been subjected to sexual violence including rape, while others have been threatened with rape. Women with perceived IS ties appear to be at particular risk given their relative isolation from other families and their own relatives as well as armed actors' and other men's desire to punish these women for their alleged affiliation*"; Amnesty International, *The Condemned*, April 2018, www.refworld.org/docid/5ad84a274.html, p. 27. See also Section III.A.1.b ("*Families Associated with Actual or Perceived ISIS Members*").

539 See below "*Forced and Child Marriage*".

540 See below "*Trafficking for the Purpose of Sexual Exploitation and Forced Prostitution*".

541 See above pp. 86-87 and below *"Honour"-Based Violence*.

542 Republic of Iraq, *Penal Code, Law No. 111 of 1969*, July 1969, www.refworld.org/docid/452524304.html, Article 398. "*Defenders of this provision argue that it protects the interests of the victim because it allows the act of marriage to restore honour to the family and thus prevent the risk of an 'honour crime' against the victim by her family or community. However, the provision institutionalises the shame and stigma associated with rape and can jeopardise the safety and life of the victim by requiring her to remain married for a minimum of three years to a man who sexually assaulted her*"; UNAMI, *Report on Human Rights in Iraq: January to June 2017,* 14 December 2017, www.refworld.org/docid/5a746d804.html, p. 12.

543 International Federation for Human Rights, *Iraq – Sexual and Gender-Based Crimes Against the Yazidi Community: The Role of ISIL Foreign Fighters*, October 2018, www.refworld.org/docid/5bd2e4fe4.html, pp. 22-28; US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html; UNAMI, *A Call for Accountability and Protection: Yezidi Survivors of Atrocities Committed by ISIL*, August 2016, www.refworld.org/docid/57b848814.html; UN Human Rights Council, *"They Came to Destroy": ISIS Crimes Against the Yazidis*, 15 June 2016, A/HRC/32/CRP.2, www.refworld.org/docid/57679c324.html. See also Section III.A.5.a ("*Members of Religious and Minority Ethnic Groups*").

544 UNDP Iraq, *Escaping from ISIL, a Yazidi Sexual Violence Survivor Rebuilds Her Life*, 5 August 2018, https://bit.ly/2Og915G; NBC, *Divorce on the Rise in Iraq as Wives, Facing Stigma and Shame, Cut Ties to ISIS Militants*, 5 July 2018, https://bit.ly/2qqvao2; Redress, *Guidance for Practitioners in Iraq*, March 2018, www.refworld.org/docid/5ac785c04.html, p. 34; HRW, *Iraq: Sunni Women Tell of ISIS Detention, Torture*, 20 February 2017, www.refworld.org/docid/58aacac74.html. See also Section II.A.1 ("*Persons Wrongly Suspected of Supporting ISIS*").

545 This was reaffirmed in a 27 April 2019 statement by the Yazidi community's Supreme Spiritual Council; AP, *Iraq: Yazidis to Accept Survivors of IS Rape, not Children*, 28 April 2019, https://bit.ly/2IPQ4Ie. See also, Redress, *Guidance for Practitioners in Iraq*, March 2018, www.refworld.org/docid/5ac785c04.html, p. 34; Working Group on Women, Peace and Security, *UNSC Briefing by Suzan Aref*, 8 August 2018, https://bit.ly/2PBuVVd, p. 1. These appeals however did not extend to children born as a result of sexual enslavement; see Section III.A.9 ("*Children with Certain Profiles or in Specific Circumstances*").

546 "*Although the Yezidi community have tried to reintegrate women victims who have escaped, the stigma attached to such women is far reaching. Relatives of abducted Yezidi women and girls* (…) *expressed deep concerns not just about the suffering inflicted on their captured relatives, but also about the negative social consequences of the abductions for the future of these women and girls. Some said that it would be difficult to find suitable husbands for those who had been abducted, even if they had not been victims of sexual violence, because it was assumed that all those abducted had been raped*"; The Conversation, *Sexual Violence against the Yezidis is Part of IS's Genocide Campaign*, 6 July 2017, http://bit.ly/2q7dH3R. See also, Amnesty International, *Four Years on: Yezidi Women's Struggles Continue*, 3 August 2018, www.refworld.org/docid/5bcf1cc84.html; UNAMI, *Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq*, 22 August 2017, www.refworld.org/docid/59b67bf04.html, para. 10; UN Women, *Case Study: In the Words of Pari Ibrahim*, 18 August 2017, http://bit.ly/2ECyZQE; MRGI, *Crossroads: The Future of Iraq's Minorities after ISIS*, June 2017, http://bit.ly/2S9rio5, p. 18. A rise in suicide rates among Yazidi women and girls linked to the psychological trauma suffered by abductees has been reported; Forbes, *Surviving Islamic State: The Plight of The Yazidi Community*, 18 September 2018, https://bit.ly/2MUlzi1; MEE, *Back from Hell: The Yazidi Women who Survived the Islamic State*, 3 August 2018, https://shar.es/a14hXN.

by the Parliament.[547] Independent of the law, on 18 April 2019, the Minister for Displacement and Migration announced the start of a programme that provides each Yazidi female survivor with two million Iraqi Dinars (approximately USD 1,600).[548]

c) Domestic Violence

Domestic violence is reported to be increasing[549] and to remain widely accepted in society.[550] In areas under control of the central government, there is no adequate legal framework protecting victims from domestic violence.[551]

In the KR-I, domestic violence has been explicitly banned since 2011 and the authorities established special law enforcement, judicial and other bodies to address violence against women.[552] However, the number of domestic violence incidents is reported to remain high,[553] and domestic violence is frequently committed with impunity due to gaps in the implementation of the law.[554]

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547 The draft law applies to "*Yazidi women survivors who were abducted by the Da'esh terrorist gangs after 10/6/2014 and released after this date*." In Article 4 it identifies five goals: compensation of survivors financially and morally; rehabilitation and care of survivors; providing a decent life for survivors; rehabilitation of infrastructure in survivors' areas; and preparing the means to integrate survivors into society. The "Yazidi Survivors Law" (in Arabic) is available at: https://bit.ly/2J4clBl. The draft law has been criticized for its limited scope as it does neither apply to male Yazidi survivors nor to survivors from other communities, and does not refer to human rights violations other than "abduction". Furthermore, the draft law states that "*children of a female Yazidi survivor shall be subject to applicable laws*," Based on applicable law, children born to a Muslim father would automatically be considered as Muslims, irrespective of the mother's religion. The Iraqi government has to date not undertaken any efforts to amend laws that impose the Muslim religion onto children born to Yazidi mothers; LSE, *Iraq's Reparation Bill for Yazidi Female Survivors: More Progress Needed*, 26 April 2019, https://bit.ly/2J16YTs; Al-Monitor, *Iraqi Bill on Yazidi Female Survivors Stirs Controversy*, 25 April 2019, http://almon.co/378s. See also, Raseef 22, *Iraq Debates Law Compensating Yazidi Survivors of ISIS Sexual Abuse*, 29 April 2019, https://bit.ly/2UUpqje; Forbes, *Let The Children Be Yazidis*, 3 April 2019, https://bit.ly/2URfKGb.

548 Kurdistan 24, *Iraq Begins Payment of 2 Million Dinars to Each Female Yezidi Survivor*, 18 April 2019, https://bit.ly/2ZD8Ojk.

549 Al Jazeera, *Women in Iraq Push to Criminalise Domestic Violence*, 21 March 2019, http://bit.ly/2Ye0uWI; HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html; UNAMI, *Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq*, 22 August 2017, www.refworld.org/docid/59b67bf04.html, para. 10. Due to the fear of stigmatization and retribution from the perpetrator, the family or community, most cases of domestic violence reportedly remain unreported; see above footnote 518518.

550 According to a joint survey by the Government of Iraq and UNICEF, 37 per cent of women between the ages of 15 and 49 think that violence towards women is acceptable; UNFPA/UNICEF, *Joint Statement: A Call to Put an End to Violence Against Women and Girls in Iraq*, 26 November 2018, https://shar.es/aaJx5J. See also, Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html; HRW, *Bride's Killing in Iraq Shows New Law Needed*, 8 August 2018, https://bit.ly/2B0o5Td; NRT, *Brutal Murder in Najaf Highlights Endemic Violence Against Women in Iraq*, 5 August 2018, https://bit.ly/2xN9y8H; HRW, *Iraq: Strengthen Domestic Violence Bill*, 19 March 2018, www.refworld.org/docid/58cf95e34.html; UNFPA, *Enduring Domestic Violence in Iraq: One Woman's Story*, 18 December 2017, https://bit.ly/2D2UZji; UNAMI, *Report on Human Rights in Iraq: January to June 2017*, 14 December 2017, www.refworld.org/docid/5a746d804.html, p. 14.

551 According to Article 41 of the Penal Code, men have the legal right to "*discipline*" their wives and children. While the Penal Code specifies that discipline is permissible only "*within certain limits prescribed by law or by custom*", 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. A draft Family Protection Law reportedly remains stalled before the Council of Representatives; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 12. See also, Al Jazeera, *Women in Iraq Push to Criminalise Domestic Violence*, 21 March 2019, http://bit.ly/2Ye0uWI.

552 Under the *Act of Combating Domestic Violence*, the KRG authorities reportedly established special police departments with female staff and a court dealing with domestic violence cases. The GDCVAW, part of the Ministry of the Interior, has directorates in each governorate responsible for receiving complaints and collecting data about violence against women. It also runs emergency hotlines in each governorate for women facing violence; KRG, *Women's Rights*, accessed 30 April 2019, https://bit.ly/2Rc83J4; Ceasefire Centre for Civilian Rights, *Broken Lives: Violence Against Syrian Refugee Women and Girls in the Kurdistan Region of Iraq*, May 2018, https://bit.ly/2yZybPQ, p. 16; Journal of Family Violence, *Women's Knowledge of the Domestic Violence Legislation in Erbil, Iraq and Their Response to Spousal Violence*, January 2017, Vol. 32(1), https://bit.ly/2q60qZ9. See above footnote 514.

553 The GDCVAW recorded a total of 9,331 cases of violence against women in the KR-I in 2017. In the first five months of 2018, 22 women reportedly died as a result of domestic violence and 1,958 other cases of violence against women were recorded across the KR-I; Ekurd Daily, *22 Women Killed due to Violence in Iraqi Kurdistan*, *Statistics Show*, 12 July 2018, https://bit.ly/2L0o1Hy. See also, UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. *vii*; CJMB, *Women's Health and Status in the Kurdistan Region of Iraq: A Review*, Vol. 5(2), April 2018, https://bit.ly/2qnetJY, p. 72.

554 See above footnote 514.

d) "Honour"-Based Violence

Violence committed by family members to protect the honour of the family or tribe[555] reportedly remains widespread,[556] and is "*cutting through religious and ethnic divides, with a strong tribal element and linked with the strong patriarchal society*".[557] Women and girls and, to a lesser extent, men and boys, may be killed or subjected to other types of violence because they are perceived to have transgressed cultural, social or religious norms, thereby bringing shame to their family.[558] "Honour"-based violence is said to occur for a variety of reasons, including (perceived) adultery, loss of virginity (even by rape), refusal of an arranged marriage, attempt to marry someone against the wishes of the family, or seeking a divorce.[559]

The Iraqi Penal Code allows for lenient punishments for "honour killings" on the grounds of provocation or if the accused had "*honourable motives*".[560] "Honour crimes" are 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".[561]

In the KR-I, the authorities have taken steps to combat the practice and repealed articles of the Penal Code that permit reasons of "honour" as mitigation for crimes committed against family members.[562] Despite these measures, "honour crimes" are reported to remain widespread and are frequently committed with impunity due to a lack of effective implementation of the law.[563] "Honour killings" are reportedly often concealed as suicides or accidents to avoid prosecution.[564]

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555 "*Honour killings*" can be defined as *"the arbitrary deprivation of life of women and girls (but possibly also men and boys) by (male) family members or tribal members, because they are deemed to have brought shame or 'dishonour' on the family or tribe*"; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 40.

556 While the scale of "*honour killings*" is unknown due to underreporting, it is estimated that several hundreds of women and girls are killed in Iraq every year; UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 40. See also, Kurdistan 24, *Dozens of Women Killed, Committed Suicide in Kurdistan over Nine-Month Period*, 25 November 2018, https://bit.ly/2EvWo4P; UNAMI, *Report on Human Rights in Iraq: July to December 2017,* 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 12.

557 UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 42.

558 "*Even a rumour about the violation of sexual honour by a woman may result in serious violence against her*"; Hamdi Malik, *Media, Gender and Domestic Relations in Post-Saddam Iraq*, Doctoral thesis, Keele University, June 2018, https://bit.ly/2J3cVxm, p. 108. "*Women's behaviour should strictly align to the community expectations of 'honour', and it is the role of the male members of the family to control that behaviour or take 'necessary steps' to restore any lost 'honour' "*; Redress, *Guidance for Practitioners in Iraq*, March 2018, www.refworld.org/docid/5ac785c04.html, p. 31.

559 See for example, Step Feed, *Iraqi Newlywed Murdered in Honor Killing over Suspected 'Loose' Hymen,* 3 August 2018, https://bit.ly/2QL5H4F; Rudaw, *KRG: 14 Women Dead in Reported 'Honor' Killings for 2017*, 12 February 2018, https://bit.ly/2mgZE9L; The Ground Truth Project, *Kurdish Teenager's "Honor Killing" Fades to Memory as Iraq Violence Swells*, 6 December 2017, https://bit.ly/2DjysCM; City University of New York School of Law (CUNY), *Iraqi Women Confronting ISIL: Protecting Women's Rights in the Context of Conflict,* 2016, https://bit.ly/2QfG0IK, p. 114.

560 Articles 128, 130, 131 and 409 of the Penal Code (Act No. 111 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.

561 Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html; Kurdistan 24, *HRW: 'Honor' Killing in Iraq Shows Need for New Domestic Violence Law*, 8 August 2018, https://bit.ly/2NKcHfe; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. *vii*; OHCHR, *Iraq: Full Justice for all Sides is Key to Lasting Peace, Says UN Expert after Official Visit*, 27 November 2017, https://shar.es/a1Dion.

562 UN Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, 5 June 2018, www.refworld.org/docid/5b7ad39d4.html, para. 42. See also, The Ground Truth Project, *Kurdish Teenager's 'Honor Killing' Fades to Memory as Iraq Violence Swells*, 6 December 2017, https://bit.ly/2DjysCM.

563 Al-Monitor, *Iraqi Kurdistan Struggles to End Violence Against Women*, 18 December 2018, http://almon.co/35bq; Ekurd, *Human Rights Situation in Iraqi Kurdistan is 'Getting Worse': Official*, 10 December 2018, https://bit.ly/2UWVpAt; Kurdistan 24, *HRW: 'Honor' Killing in Iraq Shows Need for New Domestic Violence Law*, 8 August 2018, https://bit.ly/2Cndv7G; Huffington Post, *Kurdish Teenager's "Honor Killing" Fades to Memory as Iraq Violence Swells*, 6 December 2017, https://bit.ly/2DjysCM; Reuters, *Buried Alive by Her Family, Iraqi Woman Fears for Her Life as Murders Go Unpunished*, 12 July 2017, https://reut.rs/2P66TBx. See also above footnote 516516.

564 Al-Monitor, *Iraqi Kurdistan Struggles to End Violence Against Women*, 18 December 2018, http://almon.co/35bq; Fair Observer, *It's Hard Being a Woman in Iraq*, 26 July 2017, https://bit.ly/2Lyq7Ku; Al-Monitor, *Self-Immolations on the Rise Among Iraqi Kurdish Women*, 15 March 2017, http://almon.co/2u03.

In some cases, women at risk of "honour killings" are reportedly kept in prisons or detention centres for their own protection,[565] while others seek protection in formal or informal temporary shelters.[566]

e) Forced and Child Marriage

The practice of forced marriage, including specific practices such as bride exchanges[567] and marriages in exchange for blood money (*fasliyah*"),[568] reportedly remains prevalent,[569] despite legal prohibitions.[570] At times, family members force women and girls into temporary marriages ("*muta'a*")[571] for the purpose of financial benefit or to pay off a debt.[572] Temporary marriages are not legally recognized and women

565 "*Those who seek protection are often housed in women's prisons and detention centres*"; UN General Assembly, *Technical Assistance Provided to Assist in the Promotion and Protection of Human Rights in Iraq: Report of the United Nations High Commissioner for Human Rights*, 27 July 2015, A/HRC/30/66, www.refworld.org/docid/55f7f4c74.html, para. 29. See also, DIS, *The Kurdistan Region of Iraq (KRI), Access, Possibility of Protection, Security and Humanitarian Situation*, April 2016, www.refworld.org/docid/570cba254.html, p. 47; MRGI, *The Lost Women of Iraq: Family-Based Violence During Armed Conflict*, October 2015, www.refworld.org/docid/5bc744d24.html, p. 17.

566 See below "*Shelters Available to Women Survivors / Women at Risk of SGBV*".

567 "*Zhn ba zhn / exchange marriage is a traditional way of arranged marriage where a girl becomes exchanged for a man. Usually the girl's brother or a man in her family like a cousin or uncle has to marry a girl from another family* (…)"; WADI, *Exchange Marriage in Iraqi-Kurdistan*, 22 November 2017, https://bit.ly/2O1jp4E. On the practice of a widowed woman with children being obliged to marry her deceased husband's brother, see International Encyclopedia of Marriage and Family, *Kurdish Families*, 2003, https://bit.ly/2RyroV9.

568 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; see Channel News Asia, *In Iraq, Tribal Traditions Rob Women, Girls of Rights*, 18 April 2019, http://po.st/OTINpT; UNHCR, *Tribal Conflict Resolution in Iraq*, 15 January 2018, https://www.refworld.org/docid/5a66f84f4.html (and sources contained therein). See also Section III.A.11 ("*Individuals Targeted as Part of Tribal Conflict Resolution, Including Blood Feuds*").

569 "*Factors that contribute to such* [forced] *marriages include the need (or perceived need) to: (i) alleviate the financial difficulties of the family; (ii) preserve 'family honour' in rape cases; (iii) better protect young daughters from assault/sexual violence (particularly common among families in Iraq's Internally Displaced Persons (IDP camps)*"; Musawah, *Iraq – Overview of Muslim Family Laws & Practices*, updated as at 31 May 2017, http://bit.ly/2Fs8QSZ, p. 8. See also, Tahirih Justice Center, *Forced Marriage Overseas: Iraq*, accessed 30 April 2019, https://bit.ly/2yMWIIO; Channel News Asia, In Iraq, *Tribal Traditions Rob Women, Girls of Rights*, 18 April 2019, http://po.st/OTINpT; GJC, *Iraq's Criminal Laws Preclude Justice for Women and Girls*, March 2018, https://bit.ly/2LyhrUy, p. 7.

570 Article 9(1) of the Personal Status Law provides that a forced marriage is void. However, it stipulates that once the marriage has been consummated, the marriage is considered valid by law, leaving those subjected to a forced marriage without legal protection. Cases of forced marriage are reportedly only reviewed by a court if the victim files a complaint and throughout the court proceedings no protective measures will be in place; CRC, *Concluding Observations on the Combined 2nd to 4th Periodic Reports of Iraq*, 3 March 2015, www.refworld.org/docid/562de4494.html, para. 48. In the KR-I, forced and exchange marriages are prohibited, see: *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, article 2.

571 LSE, *Gender Equality in Iraq and Iraqi Kurdistan*, 5 January 2018, https://bit.ly/2xDGWym; Contemporary Review of the Middle East, *Fragile State in Iraq and Women Security*, July 2017, Vol. 4(3), https://bit.ly/2CX5g2E, pp. 14-15.

572 "*Due to extreme need and insecurity, stress and tensions, and lack of options to earn income, families can end up being forced into corrosive coping strategies, including harmful practices. An appalling example is the practice of selling young daughters into exploitative forms of temporary 'marriage'* "; Gender and Development, *Researching Livelihoods Recovery and Support for Vulnerable Conflict-Affected Women in Iraq*, 2016, Vol. 24(3), https://bit.ly/2yLNfBk, p. 436. See also, Musawah, *Iraq – Overview of Muslim Family Laws & Practices*, updated as at 31 May 2017, http://bit.ly/2Fs8QSZ, p. 14; Yasmine Jawad, *A Gendered Perspective on the Arab Spring: Arab Women Caught Between Internal and External Conflicts, in: Non-Western Encounters with Democratization*, Routledge, 2016, p. 95. See also below "*Trafficking for the Purpose of Sexual Exploitation and Forced Prostitution*".

and girls who were married in this way do therefore not have inheritance, alimony or child support rights.[573]

Child marriages are reported to occur throughout Iraq at increasing rates.[574] The legal age for marriage is 18, which applies to Iraqis of all sects.[575] The minimum age can be lowered to 15 years with the consent (or non-objection) of the legal guardian,[576] or, if considered "*an urgent necessity*" by the judge.[577] In the KR-I, the minimum age for marriage is 16, if authorized by a judge.[578]

Marriages of girls below the legal minimum age are concluded according to religious customs and are not recognized under the law.[579] As a result, children born to the couple will have no civil identification cards until the marriage is legally recognized.[580]

Forced marriages and child marriages have been linked to domestic violence, suicide, "honour killings",[581] as well as trafficking.[582]

f) Female Genital Mutilation (FGM)

There is no federal law specifically outlawing FGM; however a law in the KR-I has banned the practice since 2011.[583] While the prevalence of FGM is reported to be declining among girls in the KR-I,[584] it is reportedly still practised, mostly, but not exclusively, among rural communities in Sulaymaniyah and

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573 Haider Ala Hamoudi and Mark Cammack, *Islamic Law in Modern Courts*, Aspen Publishers, 2018, p. 347; Musawah, *Iraq – Overview of Muslim Family Laws & Practices*, updated as at 31 May 2017, http://bit.ly/2Fs8QSZ, p. 14; Haider Ala Hamoudi, *Resurrecting Islam or Cementing Social Hierarchy: Reexamining the Codification of Islamic Personal Status Law*, Arizona Journal of International and Comparative Law, 2016, (33), https://osf.io/krdzh/, p. 352.

574 UNICEF estimates that approximately one quarter of girls get married before the age of 18 (including 5 per cent married by age 15); UNICEF, *A Profile of Child Marriage in the Middle East and North Africa*, July 2018, https://uni.cf/2MRSofB, p. 4. Girls from the poorest echelons of society, including IDPs, are mostly affected; Rudaw, *Child Marriage Widely Tolerated in Kurdistan Region IDP Camps*, 21 April 2019, https://bit.ly/2XJEYYy; Loop News, *Watch: Increasing Number of Child Marriages since Iraq War*, 27 February 2019, https://bit.ly/2TrUudv; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, https://www.ecoi.net/en/document/2002613.html; Rudaw, *With no Money or Security, Iraqi IDPs Turn to Child Marriage*, 27 January 2019, https://bit.ly/2B9h6Vu; Public Radio International, *Early Marriage Figures for Iraq Are Startling. Child Advocates Worry it Could Rise even more*, 13 August 2018, https://bit.ly/2OBhWyD; US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html; UNICEF, *A Profile of Child Marriage in the Middle East and North Africa*, July 2018, https://uni.cf/2MRSofB, p. 5; Al-Fanar Media, *Early Marriage Is back in Spotlight in the Middle East*, 20 March 2018, https://bit.ly/2DHTvda; UN Women, *Global Database on Violence Against Women – Iraq*, 2018, http://bit.ly/2pWRpS0.

575 Article 7(1) of the Personal Status Law. In recent years, there have been attempts by conservative political parties to amend the Personal Status Law, which would, *inter alia*, allow for Shi'ite girls to be married from age nine; see e.g., HRW, *Iraq: Parliament Rejects Marriage for 8-Year-Old Girls,* 17 December 2017, www.refworld.org/docid/5a3926874.html.

576 Article 8(1) of the Personal Status Law.

577 Article 8(2) of the Personal Status Law. The law provides no definition as to what *"an urgent necessity"* would constitute, leaving it at the discretion of the judge.

578 Article 5 of the amended Personal Status Law as applicable in the KR-I (Law No. 15 of 2008). See also, UNFPA, *Child Marriage in Kurdistan Region – Iraq*, August 2016, https://bit.ly/2NuWi2Q, p. 5. Child marriage is defined as an act of domestic violence under the Domestic Violence Law *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, article 2.

579 UNFPA, *Child Marriage in Kurdistan Region – Iraq*, August 2016, https://bit.ly/2NuWi2Q, p. 3.

580 See Section III.A.9 ("*Children with Certain Profiles or in Specific Circumstances*").

581 Heartland Alliance, *Iraq*, accessed 30 April 2019, https://bit.ly/2ysgM2Z; Channel News Asia, *In Iraq, Tribal Traditions Rob Women, Girls of Rights*, 18 April 2019, http://po.st/OTINpT; International Journal of Community Based Nursing and Midwifery, *A Cry for Help and Protest: Self-Immolation in Young Kurdish Iraqi Women – A Qualitative Study*, January 2018, 6(1), http://bit.ly/2CnIdxB.

582 "*Traditional practices, including child forced and 'temporary' marriages and fasliya – the exchange of family members to settle tribal disputes – also place women and girls at increased risk of trafficking within the country*"; US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html. See also below "*Trafficking for the Purpose of Sexual Exploitation and Forced Prostitution*".

583 *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, article 2. See also, DW, *Where Does the Arab World Stand on Female Genital Mutilation?*, 6 February 2018, https://bit.ly/2VyO2id.

584 Eyewitness News, *In Kurdish Iraq, Women Strive to End Genital Mutilation*, 2 January 2019, http://f24.my/4DEH; The National, *Iraqi Kurdish Activists Stamping Out Female Genital Mutilation*, 26 April 2018, https://bit.ly/2prL7d7; Thomson Reuters Foundation, *Female Genital Mutilation Falls Sharply in Northern Iraq – Survey*, 6 February 2017, https://tmsnrt.rs/2NTaN07.

Erbil Governorates.[585] FGM has also been reported in other parts of Iraq, including in Kirkuk and southern governorates; however, its prevalence remains unclear due to a lack of studies.[586]

g) Trafficking for the Purpose of Sexual Exploitation and Forced Prostitution

Despite a number of positive legal and administrative steps taken by the central authorities and the KRG to combat trafficking,[587] observers note continued challenges in relation to the enforcement of the law.[588] Iraq is both a source and destination country for women and children subjected to trafficking for the purpose of sexual exploitation and forced prostitution.[589] Women who have escaped situations of domestic violence and/or forced or early marriage are particularly vulnerable to trafficking and it has been reported that women in government-run shelters have been targeted for trafficking for the purpose of forced prostitution.[590] In the KR-I, a more recent development has been the use of (real or manipulated) intimate photos or videos to force women and girls into prostitution.[591] Traditional practices

585 CJMB, *Women's Health and Status in the Kurdistan Region of Iraq: A Review*, Vol. 5(2), April 2018, https://bit.ly/2qnetJY, p. 73; WADI, *Female Genital Mutilation (FGM) in Iraqi-Kurdistan: Still an Unresolved Problem*, 28 December 2017, https://bit.ly/2D1dbwp; WADI, *Six Year Old Girl Died in Iraqi-Kurdistan after Being Mutilated*, 25 May 2017, https://bit.ly/2NYOrtY. "*In Dohuk, FGM rates have been traditionally low, the majority Kurmanji population does not practice FGM: Only 7,4% of mothers here said to be cut*"; Stop FGM Middle East, *Heartland Study Shows Steep Decline of FGM Rates in Iraqi Kurdistan*, 10 January 2017, http://bit.ly/2AepD9M.

586 Kirkuk Governorate reportedly has "*a much higher rate of FGM vis-à-vis rest of the country*"; Law School Policy Review, *Female Genital Mutilation: The Horror, the Suffering, and the Pain*, 24 September 2018, http://bit.ly/2P3VqlN. In 2016, the percentage of women having undergone FGM in the Kirkuk Governorate was reported to be around 20 per cent; DW, *Changing Minds about Genital Mutilation in Iraqi Kurdistan*, 3 March 2016, http://bit.ly/2RTl77k. Data from a 2014 study covering 1,000 women from urban and rural areas of Qadissiyah and Wassit Governorates suggests that 25.7 per cent among this population was subjected to FGM in childhood. "(…) *the assertion that FGM does not take place in central and southern Iraq is unwarranted and misleading"*; MRGI/Ceasefire Centre, *Family-Based Violence during Armed Conflict*, 5 November 2015, http://bit.ly/1O57aeK, p. 32; WADI, *One in Four Women in Central and Southern Iraq Is Affected by Female Genital Mutilation, New Study Suggests*, 14 July 2014, https://bit.ly/2S9XAPN.

587 Seed Foundation / Center for Mental Health and Psychosocial Support Services, *Human Trafficking in the Kurdistan Region of Iraq*, December 2018, https://bit.ly/2VDLmDk, pp. 25-26, 28-29; US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html; GJC*, Iraq's Criminal Laws Preclude Justice for Women and Girls*, March 2018, http://bit.ly/2OyrzCV, p. 6; CRC, *Concluding Observations on the Report Submitted by Iraq under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child*, 5 March 2015, www.refworld.org/docid/562def744.html, para. 20; Rudaw, *KRG to US: 'Crises' Prevent Better Protection Laws for Women, Trafficked Persons*, 21 August 2018, http://bit.ly/2PDCiZ7.

588 "*Of significant concern* (…) *are allegations of complicity of government officials including political officers, law enforcement (LE), Asayish forces, and camp management in TIP* [trafficking in persons] *within the KR-I. Repors indicate that government officials have not been held accountable for involvement in TIP and have caused some VOT* [victims of trafficking] *and anti-TIP actors to fear retaliation should cases be reported to relevant authorities*"; 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. 26. "*Human trafficking is also a problem, and IDPs are particularly vulnerable. Thus far, the government's efforts to enforce trafficking laws have been inadequate*"; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html. See also, US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html; MADRE et al., *Communication to the ICC Prosecutor Pursuant to Article 15 of the Rome Statute Requesting a Preliminary Examination into the Situation of: Gender-Based Persecution and Torture as Crimes Against Humanity and War Crimes Committed by the Islamic State of Iraq and the Levant (ISIL) in Iraq*, 8 November 2017, http://bit.ly/2PDL09P, p. 75.

589 In the KR-I, trafficking networks reportedly target IDPs "*with assistance from local officials, including judges, officials from the Asayish forces, and border agents*". Trafficking networks reportedly sell Iraqi women and children in neighbouring countries and further afield for the purpose of commercial sexual exploitation; US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html; The National, *Two Women 'Trafficked Three Teens to Dubai and Forced Them into Prostitution'*, 7 November 2017, http://bit.ly/2Ae2cx5. The highest number of human trafficking crimes has reportedly been recorded in Baghdad; Middle East Monitor, *Baghdad: Worst Province in Iraq for Human Trafficking*, 13 September 2017, https://bit.ly/2DieDeR/. See also Section III.A.9 ("*Children with Certain Profiles or in Specific Circumstances*").

590 "*Reports also included trafficking of women out of government run shelters, with traffickers offering women with no option of returning to their won communities or a safe place to stay outside the sheltyer but later selling them into forced prostitution. Specifically, female traffickers have been known to feign experiencing domestic violence to be allowed into the shelter as a victim, then buold trust with other women within the shelter, offering them a safe place to stay in the community once released*"; 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. 16.

591 "*Given the conservative nature of society, women or girls who engage in flirtatious or intimate personal relations are vulnerable to exploitation and trafficking for fear that their families may target them for 'honor-based' violence if their actions become known*.

such as forced, temporary and child marriages are reportedly used for trafficking women and girls.[592] Survivors of trafficking, including children, are reported to have been prosecuted for illegal acts committed as a result of being trafficked, including for prostitution.[593] Survivors of trafficking may be at risk of "honour" violence at the hands of their families.[594]

Depending on the individual circumstances of the case, UNHCR considers that women 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, "honour"-based violence, or FGM;
b) Those at risk of forced and/or child marriage;
c) Survivors and those at risk of trafficking for the purpose of sexual exploitation and forced prostitution.

UNHCR considers that women and girls falling in the following categories **may be in need of international refugee protection**, depending on the individual circumstances of the case:

a) Women in the public sphere;
b) Women and girls without genuine family support, including widows and divorcees.

Depending on the individual circumstances of the case, women and girls of these profiles or in these specific circumstances 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, or their (imputed) political opinion, combined with a general unavailability of State 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 religious or ethnic identity, or their diverse sexual orientations and gender identities, see also other profiles in Section III.A.

9) Children with Certain Profiles or in Specific Circumstances

Children may fall within a number of the other risk profiles contained in these guidelines. In particular, children of real or perceived ISIS members or supporters are reportedly subject to arbitrary arrest and

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There were several reports of women being sold for sex by a lover or boyfriend to groups of men after an exploitative picture or video had been taken or under threat of making the relationship known"; *ibid*., p. 16.

592 In the KR-I, "[K]*ey informants cited CSE* [commercial sexual exploitation] *taking place under the guisde of marriage, wherein a father may sell his daughter to a man who technically marries her, but then sells her to other men for sexual services*"; *ibid*., p. 19. "*Women and girls are trafficked within Iraq for the purpose of sexual exploitation through the use of temporary marriages, as a result of which their families money in the form of a dowry in exchange for permission to marry the girl for a limited period of time*"; International Journal of Law Management & Humanities, Muta Marriage, 2018, Volume 1(2), https://bit.ly/2EXXO9X, p. 9. See also, Middle East Monitor, *Baghdad: Worst Province in Iraq for Human Trafficking*, 13 September 2017, https://bit.ly/2DieDeR; The New Arab, *The Iraq Report: Children Bought and Sold in 'Sex Markets' by Baghdad Mafia*, 16 August 2017, https://bit.ly/2vLxnMG; The Kurdistan Tribune, *Women Sex Trafficking in Iraq*, 14 May 2016, http://bit.ly/2D4I6bA. See also "*Forced and Child Marriage*".

593 "*Local experts reported concerns that a significant number of sex trafficking victims faced criminal prosecution during the reporting period. Sources reported that in some instances, judges wrongfully convicted sex trafficking victims of committing prostitution violations that they were forced to commit, including child sex trafficking victims*"; US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html. See also, MADRE et al., *Communication to the ICC Prosecutor Pursuant to Article 15 of the Rome Statute Requesting a Preliminary Examination into the Situation of: Gender-Based Persecution and Torture as Crimes Against Humanity and War Crimes Committed by the Islamic State of Iraq and the Levant (ISIL) in Iraq*, 8 November 2017, http://bit.ly/2PDL09P. For the situation in the KR-I and the need for further research into this question, see 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.

594 Seed Foundation / Center for Mental Health and Psychosocial Support Services, *Human Trafficking in the Kurdistan Region of Iraq*, December 2018, https://bit.ly/2VDLmDk, pp. 17, 20. See also above *"Honour"-Based Violence*.

detention, retaliatory violence and discrimination at the hands of state and non-state actors.[595] Children are also reported to be at risk of child-specific forms or manifestations of persecution,[596] including SGBV, forced and/or child marriage, and "honour crimes";[597] domestic violence;[598] underage recruitment, sometimes by force, in particular by government-affiliated groups;[599] worst forms of child labour, including trafficking, forced labour and commercial sexual exploitation;[600] as well as hazardous work likely to harm their health, safety or morals such as begging, street vending, and working in brick factories and in cemeteries.[601]

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595 See Section II.A.1 ("*Persons Wrongly Suspected of Supporting ISIS*").

596 "*Children are targets for several types of exploitation that are particularly prevalent in conflict settings: child labour, sexual abuse, early and coerced marriage, human trafficking, and* (…) *recruitment and use by Government armed forces, pro-Government militias, and non-state armed groups (NSAGs)*"; UNU, *Cradled by Conflict: Child Involvement with Armed Groups in Contemporary Conflict*, 12 February 2018, https://bit.ly/2NXbzW8, p. 104.

597 See Section II.A.8 ("*Women and Girls with Certain Profiles or in Specific Circumstances*").

598 With the exception of the KR-I, 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, No. 111 of 1969*, July 1969, www.refworld.org/docid/452524304.html, Article 41(1); *Iraq: Act of Combating Domestic Violence in the Kurdistan Region of Iraq (Law No. 8 of 2011)* [Iraq], 21 June 2011, www.refworld.org/docid/5b2911044.html. See also, Al-Monitor, *How Can Iraq Address Child Abuse, Torture?*, 2 May 2017, http://almon.co/2uuj. See also Section III.A.8 ("*Women and Girls with Certain Profiles or in Specific Circumstances*").

599 The recruitment and use of children by tribal forces, PMF and the PKK/YPG in Iraq continues to be reported: "*The government had limited ability to address and prevent the recruitment and use of children by these groups, including some units of AAH* [Asa'ib Ahl Al-Haq] *and KH* [Kata'ib Hezbollah] *militias. The government also did not prevent PMF units in southern Iraq from child recruitment and sponsoring military training camps for high school students, which included some children under the age of 18. However, to dissuade PMF commanders from accepting children who volunteered to fight, the government refused to enroll child volunteers in payment programs and did not provide salaries for any child volunteers.*" And further: "*As of early 2018, multiple sources reported the PKK and YPG operating in the IKR continued to recruit and use children*"; US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html. See also, UNSC, *Report of the Secretary-General on Children and Armed Conflict*, 16 May 2018, A/72/865–S/2018/465, https://undocs.org/A/72/865, paras 75, 85; HRW, *Flawed Justice*, 4 December 2017, www.refworld.org/docid/5a2651964.html, p. 20. Between 2014 and 2017, ISIS was the main actor recruiting and using children in hostilities. Since the group lost territorial control in 2017, limited reports on child recruitment by ISIS have been received; see e.g. NINA, *Diyala Police Revealed the Foiling of the Recruitment of /17/ Citizens, Including Four Teenagers by Daesh*, 30 December 2018, https://bit.ly/2GWxez7. Rehabilitation and reintegration support for former child soldiers recruited by ISIS is reportedly insufficient; instead, children associated with ISIS are reportedly at risk of arrest, detention, torture and prosecution on terrorism-related charges; US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html; Atlantic Council, *Rehabilitating ISIS' Child Soldiers*, 21 September 2017, https://bit.ly/2vpd7kZ; The Clarion Project, *Recovery & Rehabilitation of ISIS Children: Is It Possible?*, 30 March 2017, https://bit.ly/2nqrK0n. See also, Section II.A.1 ("*Persons Wrongly Suspected of Supporting ISIS*").

600 "*Exploitation of children, including through forced begging and the recruitment of child soldiers by some militias, is a chronic problem*"; Freedom House, *Freedom in the World 2019 – Iraq*, 4 February 2019, https://www.ecoi.net/en/document/2002613.html. "*Informants* [in the KR-I]*, described cases of children being 'rented' by family members to begging rings for 25,000 Iraqi dinar per day, forcing them to beg on the streets then returned to their families at night. Victims of forced begging include both boys and girls, with IDP and refugee children and those with disabilities cited as at higher risk.*" The same report also speaks of children having been subjected to the forced removal of organs for the purpose of organ trafficking; Seed Foundation / Center for Mental Health and Psychosocial Support Services, *Human Trafficking in the Kurdistan Region of Iraq*, December 2018, https://bit.ly/2VDLmDk, pp. 19, 20. "*As reported over the past five years, Iraq is a source and destination country for women and* ***children*** *subjected to sex trafficking and men, women, and* ***children*** *subjected to forced labor.*" And further: "*Criminal gangs reportedly force children to beg and sell drugs in Iraq. Trafficking networks also reportedly sell Iraqi children in neighboring countries and Europe for commercial sexual exploitation. Iraqi women and girls are also subjected to sex and labor trafficking in the Middle East and Turkey*" (emphasis added); US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html. "(…) *some of these* [trafficked] *children are purchased by families seeking to adopt children illegally, while others are sold into 'sex markets' almost at birth to be raised in a world of exploitation and rape;* The New Arab, *The Iraq Report: Children Bought and Sold in 'Sex Markets' by Baghdad Mafia*, 16 August 2017, https://bit.ly/2vLxnMG. See also, NINA, *A Gang Trading with Children Arrested in Hilla*, 11 February 2019, https://bit.ly/2Hgy2xb; Iraqi Children Foundation, *Baghdad "Street Lawyers" Come to the Rescue of Orphans and Vulnerable Kids at Risk of Trafficking*, 29 August 2018, https://bit.ly/2Dwgr4g; NINA, *Interior Inspectorate Arrested a Gang Engaged in Prostitution and Human Trafficking West of Baghdad*, 4 June 2018, https://bit.ly/2OpKBHu; Kurdistan 24, *50-Day-Old Baby Girl Latest Victim of Human Trafficking in Iraq*, 8 March 2018, https://bit.ly/2NF9kKF.

601 Despite laws against child labour, large numbers of children are compelled to work to be able meet their and their families' basic needs. For the different types of child labour prevalent in Iraq, some of which may constitute hazardous work, see US Department of Labor, *2017 Findings on the Worst Forms of Child Labor – Iraq*, 20 September 2018, www.refworld.org/docid/5bd05ace2.html, Table 2. Child labour is reported to be particularly prevalent in areas (formerly) affected by conflict as well as among vulnerable IDP populations; Rudaw, *Iraq: Children of Mosul's Old City Selling Scrap Metal to Survive*, 11 February 2019, http://bit.ly/1kQnAL4; AP, *Mosul Children Collect Scrap Metal to Make a Living*, 21 November 2018, https://bit.ly/2Awsytl; AFP,

Children born out of wedlock or to parents whose marriage was not officially registered,[602] particularly children born in areas formerly under ISIS control, including as a result of sexual enslavement,[603] are reported to be at risk of remaining without official legal status and documentation,[604] abandonment[605] as well as stigmatization and abuse.[606] IDP children, children from socio-economically disadvantaged

Begging to Survive: Mosul's Vulnerable Street Children Are Being Exploited, 12 July 2018, https://bit.ly/2KDTZEE; The Arab Weekly, *Iraq's Children Main Victims of Decades of Sanctions and Wars*, 29 April 2018, https://bit.ly/2DXgC92. UNICEF estimated in June 2016 that more than 575,000 children were working, representing double the number of children who were reportedly working in 1990; UNICEF, *Violence Destroys Childhoods in Iraq*, June 2016, www.refworld.org/docid/577665304.html, p. 7.

602 "*Under the Birth and Death Registration Law, parents in Iraq can only obtain birth certificates for babies born in wedlock*"; HRW, *Iraq: Families of Alleged ISIS Members Denied IDs*, 25 February 2018, www.refworld.org/docid/5a99176a4.html. In some cases marriages are not registered officially in a civil court, including religious marriages, such as is often the case with child marriages. Also, marriages effected in institutions run by non-state actors, such as was the case in areas (formerly) under the control of ISIS, are reportedly not considered official marriages; Finnish Immigration Service, *Overview of the Status of Women Living Without a Safety Net in Iraq*, 22 May 2018, www.ecoi.net/en/document/1442153.html, p. 30; Geneva Centre for Education and Research in Humanitarian Action (CERAH), *Challenges of Children Born by ISIS Rape in Iraq*, Working Paper 49, September 2017, https://bit.ly/2oQ6Zyp, p. 27; The National, *Iraqi Couples Seek Official Status from Mobile Courtroom*, 26 August 2017, https://bit.ly/2NYWnrR.

603 A 27 April 2019 statement by the Yazidi Supreme Spiritual Council affirmed explicitly that children born out of sexual enslavement would not be accepted; Al Jazeera, *Yazidis to Accept ISIL Rape Survivors, but not Their Children*, 30 April 2019, https://aje.io/e2xnq. "*To be a Yezidi, a person's mother and father must be Yezidi, making it difficult or even unacceptable for a Yezidi woman to parent her child within the community. As a result,* (…) *Yezidi women have been encouraged to leave these children behind upon their entry to KRI, either with the families of ISIS fighters; within the government care homes in Mosul; or at the border of Syria* (…). *Additionally, some VOT* [victims of trafficking] *have had their children born of war taken from them involuntarily by their family*"; 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. 18.

604 Children born in areas formerly under the control of ISIS, including those born out of rape and/or (forced) marriage, reportedly face challenges in obtaining official civil documentation, restricting their access to basic services and rendering them at heightened risk of statelessness, marginalization and other forms of violence and abuse. "*Children born out of rape and forced marriages are currently in a legal limbo, and susceptible to radicalization, trafficking and exploitation*"; UNFPA/UNAMI/UNICEF, *United Nations Calls for the Protection of Children Born of Sexual Violence in Conflict*, 27 June 2018, https://bit.ly/2KcYsT9, p. 2. *"If a woman married a man in an area under ISIS control and gave birth to a child in an ISIS-run hospital, Iraqi authorities generally will not accept the ISIS-issued marriage and birth certificates"*; HRW, *Iraq: Families of Alleged ISIS Members Denied IDs*, 25 February 2018, www.ecoi.net/en/document/1425202.html. See also, Al Jazeera, *Iraq's Undocumented Children: 45,000 IDPs Denied Basic Rights*, 30 April 2019, https://aje.io/mchvn; AP, *Iraqi Women, Children Bear the Burden of ISIS Legacy*, 24 April 2019, https://bit.ly/2vkAOdS; Al-Monitor, *Iraq Struggles to Provide War Orphans with Identities*, 17 July 2018, https://bit.ly/2M8tf3X; Iraqi News, *Children of Iraq's Islamic State Rape Victims in Limbo*, 26 June 2018, https://bit.ly/2N5HiF4; UNU, *Cradled by Conflict: Child Involvement with Armed Groups in Contemporary Conflict*, 12 February 2018, https://bit.ly/2NXbzW8, p. 136; IRC, *Born under ISIS, the Children Struggling in Iraq*, 19 January 2018, https://bit.ly/2Kt8pao; VOA, *Children of Terror Left Behind in Iraq*, 8 January 2018, https://bit.ly/2OqvcWV; OHCHR, *Justice Essential to Help Iraqi Victims of ISIL's Sexual Violence Rebuild Lives – UN Report*, 22 August 2017, https://bit.ly/2OWmiBu; UNAMI, *Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq*, 22 August 2017, www.refworld.org/docid/59b67bf04.html, paras 47-48; The Independent, *Iraq's Generation of Stateless ISIS Children is Being 'Punished for the Crimes of Their Fathers'*, 18 May 2017, https://ind.pn/2vfcF8P. The draft Yazidi Survivors Law stipulates that a court of first instance be established to deal with the civil status of Yazidi children born of rape; see above footnote 547.

605 "*Many here* [at the Mosul orphanage] *are the abandoned children of ISIS fathers and the Yazidi girls and women they raped, or children kidnapped from their birth parents and raised in ISIS families.* (…) *In the region's conservative societies, rape victims are often blamed for dishonoring their families and are at risk of being killed. With so many Yazidi women captured, religious elders decreed that women enslaved by ISIS would be welcomed back. But there was no such ruling covering their children from ISIS fathers*"; NPR, *Kidnapped, Abandoned Children Turn Up at Mosul Orphanage as ISIS Battle Ends*, 27 December 2017, https://n.pr/2C9Kc9c. See also, The Independent, *What Becomes of the Jihadi Orphans?*, 25 September 2018, https://ind.pn/2PwIRwt; VOA, *Children of Terror Left Behind in Iraq*, 8 January 2018, https://bit.ly/2OqvcWV; CERAH, *Challenges of Children Born by ISIS Rape in Iraq*, Working Paper 49, September 2017, https://bit.ly/2oQ6Zyp, p. 23.

606 "(…) *boys and girls with perceived* [ISIS] *affiliations are at heightened risk of discrimination in accessing basic services, sexual violence and exploitation, and arbitrary detention*"; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 29. "*The stigma against the children is powerful. Even extended families in some cases refuse to take in abandoned children of IS members, said a relief official with an international agency that has worked to find homes for such children. The relatives may worry about being tainted themselves or come under pressure from their tribes not to accept the kids* (…)"; AP, *Children of Islamic State Group Live under a Stigma in Iraq*, 15 October 2018, https://bit.ly/2OWzVUe. "*Local-level officials in Iraq have reportedly designated children as 'Da'esh terrorists' on their birth certificates* (…)"; UNSC, *Report of the Secretary-General on Conflict-Related Sexual Violence*, 23 March 2018, S/2018/250, www.refworld.org/docid/5b29148d7.html, para. 19. See also, Al Jazeera, *Iraq's Undocumented Children: 45,000 IDPs Denied Basic Rights*, 30 April 2019, https://aje.io/mchvn; AP, *Iraqi Minority Shuns Children Born of IS Rape, Enslavement*, 28 October 2018, https://bit.ly/2Ocf7Dq; UNFPA/UNAMI/UNICEF, *United Nations Calls for the Protection of Children Born of Sexual Violence in Conflict*, 27 June 2018, https://bit.ly/2KcYsT9; VOA, *Children of Terror Left Behind in Iraq*, 8 January 2018,

backgrounds as well as orphaned, abandoned and separated children[607] are reported to be particularly vulnerable to different forms of exploitation, including child labour, early and forced marriage, sexual exploitation, and trafficking, and many of them are exposed to several of these child-specific forms of abuse.[608]

Children with disabilities and children from marginalized ethnic groups, particularly Roma and Black Iraqis, are often effectively excluded from accessing education.[609]

UNHCR considers that 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, domestic violence, forced and/or child marriage, "honour crimes", or FGM;
b) Survivors and those at risk of forced and underage recruitment; trafficking; and other worst forms of child labour.[610]

Depending on the individual circumstances of the case, they are likely in to be 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 (imputed) political opinion, or other relevant Convention grounds.

UNHCR considers that children falling in the following categories **may be in need of international refugee protection**:

a) Children born out of wedlock or to parents whose marriage was not officially recognized;

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https://bit.ly/2OqvcWV; UNAMI, *Report on Human Rights in Iraq: January to June 2017*, 14 December 2017, www.refworld.org/docid/5a746d804.html, p. 2. See also, Section III.A.1 ("*Persons Wrongly Suspected of Supporting ISIS*").

607 The numbers of orphaned, abandoned and separated children drastically rose since 2014. According to UNAMI, over 2,700 Yazidi children have lost one or both parents. "*There are currently 2,745 Yezidi children who have lost one or both parents*"; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 15. While many children have been absorbed into the families of relatives, an increasing number has been left to fend for themselves; New York Times, *Iraq's Forgotten Casualties: Children Orphaned in Battle With ISIS*, 31 August 2018, https://nyti.ms/2wBBP1k; VOA, *Mosul Woman Raising 23 Grandkids Orphaned by IS*, 8 August 2018, https://bit.ly/2vZLxKE; AFP, *Begging to Survive: Mosul's Vulnerable Street Children Are Being Exploited*, 12 July 2018, https://bit.ly/2KDTZEE; NPR, *Kidnapped, Abandoned Children Turn Up at Mosul Orphanage as ISIS Battle Ends*, 27 December 2017, https://n.pr/2C9Kc9c; NPR, *Traumatized and Vulnerable to Abuse, Orphans from Mosul Are 'Living in Another World'*, 25 November 2017, https://n.pr/2mBtlW7; Reuters, *Lost Children Are Legacy of Battle for Iraq's Mosul*, 30 July 2017, https://reut.rs/2On3aeC.

608 Iraqi Children Foundation, *Baghdad "Street Lawyers" Come to the Rescue of Orphans and Vulnerable Kids at Risk of Trafficking*, 29 August 2018, https://bit.ly/2Dwgr4g; US Department of State, *2018 Trafficking in Persons Report – Iraq*, 28 June 2018, www.refworld.org/docid/5b3e0b184.html; UNU, *Cradled by Conflict: Child Involvement with Armed Groups in Contemporary Conflict*, 12 February 2018, https://bit.ly/2NXbzW8, p. 137; Niqash, *The Child Labourers of Baghdad*, 17 December 2017, www.niqash.org/+8r0y7.

609 "*Due to the historical and systemic nature of their* [Black Iraqis'] ***exclusion from education*** *and employment, the community suffers from high illiteracy and poverty levels.*" And further: "*Many Roma children have been effectively excluded from education due to the lack of schools in their areas, lack of documentation, or discrimination faced when attempting to attend schools in other areas. In 2018, UNICEF opened a primary school in the Roma village of Al-Zuhour after the village had been without educational facilities for 14 years. The village, like many other Roma settlements, still lacks elementary and secondary schooling, and many adults are also illiterate*" (emphasis added); MRGI, *Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) – Review of the Periodic Report of Iraq*, 2018, http://bit.ly/2VKsoYo, paras 28, 32. "*Children with disabilities are among the most marginalized groups in society. Facing daily discrimination in the form of negative attitudes, and lack of adequate policies and legislation, children with disabilities* ***are effectively barred from realizing their rights*** *to health,* ***education****, and even survival. Children with disabilities are often likely to be among the poorest members of the population and are less likely to attend school, access medical services, or have their voices heard in society. Discrimination against and exclusion of children with disabilities also puts them at a higher risk of physical and emotional abuse or other forms of neglect, violence and exploitation*"; Government of Iraq/UNICEF, *2018 Multiple Indicator Cluster Survey (MICS6) Briefing*, 6 December 2018, https://bit.ly/2EyAz2L, p. 27. On the situation of children with disabilities, see also footnotes 290 and 609.

610 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, HCR/GIP/09/08, www.refworld.org/docid/4b2f4f6d2.html, para. 29.

b) 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.[611]

c) Children who are systematically prevented from accessing education, including as a result of discrimination, stigmatization, or discriminatory denial of access to birth registration or other civil documentation.

Depending on the individual 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 or other relevant Convention grounds.

Regarding the international protection needs of children suspected of supporting ISIS, including on account of having been born as a result of forced marriage to and/or rape by an (alleged) ISIS affiliate, see Section III.A.1.

Claims for international protection submitted by children need to be assessed carefully and in accordance with the UNHCR Guidelines on child asylum claims, including any examination of exclusion considerations for former child soldiers.[612]

10) Persons of Diverse Sexual Orientations and/or Gender Identities

a) Situation in Areas under Control of the Government

The Iraqi Penal Code does not expressly prohibit same-sex relations between consensual adults.[613] 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;[614] however, it has been reported that these provisions have not been used in a systematic manner to prosecute same-sex sexual activity.[615]

Since 2003, 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.[616] The strengthening of non-state armed actors since 2014 is reported to

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611 *Ibid*., para. 30.

612 *Ibid*.

613 Republic of Iraq, *Penal Code*, No. 111 of 1969, July 1969, www.refworld.org/docid/452524304.html. See also, HRW, *Audacity in Adversity – LGBT Activism in the Middle East and North Africa*, 16 April 2018, www.refworld.org/docid/5b34f0827.html (hereafter: HRW, *LGBT Activism in the Middle East and North Africa*, 16 April 2018, www.refworld.org/docid/5b34f0827.html), p. 66; International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), *State Sponsored Homophobia. A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition*, May 2017, www.refworld.org/docid/59e615f64.html, p. 128. The fact that the Penal Code does not expressly prohibit consensual same-sex relations has not always prevented government officials from stating that homosexuality was unlawful in Iraq and contrary to the teachings of the Islamic law, see e.g. UN Human Rights Committee, *Consideration of Reports Submitted by States Parties under Article 40 of the Covenant, 5th Periodic Reports of States Parties Due in 2000: Iraq*, 12 December 2013, CCPR/C/IRQ/5, www.refworld.org/docid/5660594e19f2.html, para. 177. In September 2017, Iraq voted against a UN Human Rights Council resolution that called on states who maintain the death penalty to ensure that it is not imposed as a sanction for specific forms of conduct, including consensual same-sex relations; UN Human Rights Council, *Resolution Adopted by the Human Rights Council on 29 September 2017*, 5 October 2017, A/HRC/36/L.6, www.refworld.org/docid/5ab8be600.html.

614 HRW, *LGBT Activism in the Middle East and North Africa*, 16 April 2018, www.refworld.org/docid/5b34f0827.html, pp. 8, 10, 66; The Daily Beast, *Murdered for 'Looking Gay': How LGBT Iraqis Are Fighting for Their Lives*, 7 June 2017, http://thebea.st/2FRfNKU (hereafter: The Daily Beast, *Murdered for 'Looking Gay'*, 7 June 2017, http://thebea.st/2FRfNKU; ILGA, ILGA, *State Sponsored Homophobia World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition*, May 2017, www.refworld.org/docid/59e615f64.html, pp. 41, 128. One LGBTI activist was quoted as saying: "*Although there is no law that criminalizes homosexuality in Iraq, judges manipulate the laws and articles by playing with words and the structure of the article so that they can criminalize this act*"; Gay Star News, *'I Had to Sit on a Pepsi Bottle': Gay Men in Iraq Reveal Shocking Torture Stories*, 27 March 2019, https://bit.ly/2ZKgfp4.

615 HRW, *World Report 2019 – Iraq*, 17 January 2019, www.ecoi.net/en/document/2002196.html; HRW, *LGBT Activism in the Middle East and North Africa*, 16 April 2018, www.refworld.org/docid/5b34f0827.html, p. 8.

616 HRW, *LGBT Activism in the Middle East and North Africa*, 16 April 2018, www.refworld.org/docid/5b34f0827.html, pp. 17-18; MADRE et al., *Communication to the ICC Prosecutor Pursuant to Article 15 of the Rome Statute Requesting a Preliminary Examination into the Situation of: Gender-Based Persecution and Torture as Crimes Against Humanity and War Crimes Committed by the Islamic State of Iraq and the Levant (ISIL) in Iraq*, 8 November 2017, http://bit.ly/2tX8Abh, pp. 24-33, 35; The

have compounded the vulnerability of persons of diverse sexual orientations and/or gender identities.[617] Individuals of this profile, and those perceived to be of this profile,[618] are reported to be often subjected to multiple forms of societal discrimination (e.g. in relation to access to employment and basic services)[619] and violence, including harassment (e.g. at checkpoints),[620] threats, physical and sexual violence, kidnappings and, in some cases, killings[621] at the hands of different state and non-state

Daily Beast, *Murdered for 'Looking Gay'*, 7 June 2017, http://thebea.st/2FRfNKU. See also, Iraqi News, *Death Threats Non-Stop for Iraqi Male Beauty Pageant Contestant*, 23 October 2018, https://bit.ly/2zhc9rV.

617 The UN Special Rapporteur on extrajudicial, summary or arbitrary executions expressed concern "*that with the military victory over Daesh, the militias may turn their attention to other targets, including in the first place those perceived as engaging in immoral activities*", including persons of diverse sexual orientations and/or gender identities; OHCHR, *End of Visit Statement of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on Her Visit to Iraq*, 24 November 2017, https://bit.ly/2NfKxbN. See also, The Daily Beast, *Murdered for 'Looking Gay'*, 7 June 2017, http://thebea.st/2FRfNKU; Al-Monitor, *Appearances Get People Killed in Iraq*, 25 July 2017, http://bit.ly/2E6t5qi; Washington Blade, *Militants Use Social Media to Lure, Kill Gay Iraqi Men*, 24 September 2016, http://bit.ly/2dEOMSw.

618 UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 16. UNAMI documented incidents of boys seemingly killed on account of their perceived sexual orientation, see UNAMI, *Report on Human Rights in Iraq: January to June 2017*, 14 December 2017, www.refworld.org/docid/5a746d804.html, p. 17; UNAMI, *Report on Human Rights in Iraq: July to December 2016*, 30 August 2017, www.refworld.org/docid/5a7470a84.html, p. 34. See also, IraQueer, *Fighting for the Right to Life – The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG (hereafter: IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG), pp. 10-11; UNAMI, *Report on Human Rights in Iraq: July to December 2016*, 30 August 2017, www.refworld.org/docid/5a7470a84.html, p. 34; So Film (in French), *Mystère Blonde*, 1 September 2017, http://bit.ly/2GIGwLk; The Daily Beast, *Murdered for 'Looking Gay'*, 7 June 2017, http://thebea.st/2FRfNKU.

619 IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG, pp. 9-10. Many LGBT+ persons are reportedly homeless; The Daily Beast, *ISIS Is Beaten. But Iraq Is Still Hell for LGBT+ People*, 22 June 2018, https://thebea.st/2tSzkpT. On the reported denial of medical care for and exploitation of patients on the basis of their actual or perceived sexual orientation or gender identity, see The Independent, *Iraq's Only Openly Gay Activist on How He's Fighting to Make His Country Safer*, 16 August 2016, http://ind.pn/2bbLtOj.

620 According to IraqQueer, "(…) *police forces and security guards stop individuals at checkpoints who look different, or if they are transgender and going through hormonal treatment, comparing how they look in the present with the picture that looks different on their identification cards. IraQueer has video of individuals being humiliated and physically abused in such situations*"; The Daily Beast, *Murdered for 'Looking Gay'*, 7 June 2017, http://thebea.st/2FRfNKU. See also, IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG, p. 13.

621 "*Members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community continue to face severe discrimination, threats, physical attacks, kidnappings, and in some cases, killings due to their actual or perceived sexual orientation or gender identity*"; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. 16. See also, Gulf News, *Iraqi Teenager Brutally Killed Because of His Looks*, 11 October 2018, http://bit.ly/2Roemcv; IraQueer, *Statement*, 10 October 2018, https://bit.ly/2RpD24C; IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG, p. 9; UNAMI, *Report on Human Rights in Iraq: January to June 2017*, 14 December 2017, www.refworld.org/docid/5a746d804.html, p. 17; ILGA, *State Sponsored Homophobia. A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition*, May 2017, www.refworld.org/docid/59e615f64.html, p. 128; UNAMI, *Report on Human Rights in Iraq: July to December 2016*, 30 August 2017, www.refworld.org/docid/5a7470a84.html, p. 34; The Daily Beast, *Murdered for 'Looking Gay'*, 7 June 2017, http://thebea.st/2FRfNKU. See also footnote 623 regarding "*honour killings*" at the hands of the individual's family.

actors,[622] including members of their family or tribe,[623] wider society,[624] state authorities,[625] as well as a range of armed groups.[626] Transgender individuals are reported to face particular challenges, including as a result of the fact that it is not possible to obtain identity documents with a gender marker that match their gender identity.[627] According to reports, individuals of diverse sexual orientations and gender identities are identified and targeted via social media, including dating applications.[628]

Concerns have been raised with regards to the authorities' willingness and ability to investigate, prosecute and punish human rights abuses committed against individuals of diverse sexual orientations

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622 UNAMI listed the following actors: "*armed groups, Government security forces, civilians and family members*"; UNAMI, *Report on Human Rights in Iraq: July to December 2016*, 30 August 2017, www.refworld.org/docid/5a7470a84.html, p. 34. Based on interviews conducted by IraQueer with 257 individuals of diverse sexual orientations and/or gender identities (*"LGBT+ individuals"*) between 2017 and 2018, 96 per cent said that they had faced violence. The following actors were named as being responsible for abuses against LGBT+ people committed between 2015 and 2018: armed groups (31 per cent), family members (27 per cent), Iraqi Government (22 per cent), ISIS (10 per cent) and *"others"* (10 per cent); IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG, p. 14.

623 Taboos around homosexuality (and also more generally, conduct that is perceived to transgress society's norms for acceptable gender-specific behaviour) reportedly remain strong and individuals of this profile usually keep their sexual orientation and/or gender identity secret and live in constant fear of their identity being exposed. Family bonds serve as an important form of societal and economic protection in Iraq and individuals of diverse sexual orientations and/or gender identities 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 of diverse sexual orientations and/or gender identities 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"*. Women suspected to be lesbians by their family may reportedly be forced into marriage despite the fact that forced marriage is prohibited under the Personal Status Law. See, IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG, pp. 11, 14; HRW, *LGBT Activism in the Middle East and North Africa*, 16 April 2018, www.refworld.org/docid/5b34f0827.html, p. 21; UNHCR, *Tribal Conflict Resolution in Iraq*, 15 January 2018, www.refworld.org/docid/5a66f84f4.html, footnote 9 (with additional sources); The Daily Beast, *Murdered for 'Looking Gay'*, 7 June 2017, http://thebea.st/2FRfNKU. See also Section II.E.2.b ("*Human Rights Abuses by Family, Tribe, Community*").

624 Members of Iraqi society are reported to generally not accept the notion that individuals may have a sexual identity that is other than heterosexual; instead, individuals who engage in consensual same-sex acts are regularly perceived to be "*abnormal*". Influential Shi'ite cleric Muqtada Al-Sadr, who in 2016 called for members of the Saraya Al-Salam (part of PMF, formerly Mahdi Army) to not target homosexuals, expressed his view that "*homosexuality is a psychological illness and mental instability that makes men want to look like women, and that it's forbidden in all kinds, and that they should be isolated socially*"; IraQueer, *Muqtada Al-Sadr Calls Against Violence Against LGBT+ Individuals*, undated, https://bit.ly/2pwJQlj. See also, HRW, *Human Rights Watch Country Profiles: Sexual Orientation and Gender Identity*, 23 June 2017, www.refworld.org/docid/5ab8c9aa4.html. On the media's use of derogatory and homophobic language, see e.g. IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG, pp. 16-17; Step Feed, *We Talked to the Activist Leading Iraq's First Queer Movement*, 26 January 2018, http://bit.ly/2G5Qx7m; OutRight Action International, *Arab Mass Media – A Monitoring Report Looking at Sexuality and Gender Identity in Arabic Media from 2014 to 2017*, 29 August 2017, http://bit.ly/2HMczJI.

625 IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG, pp. 9, 10, 11, 13-14; HRW, *LGBT Activism in the Middle East and North Africa*, 16 April 2018, www.refworld.org/docid/5b34f0827.html, pp. 20-21; UNAMI, *Report on Human Rights in Iraq: July to December 2016*, 30 August 2017, www.refworld.org/docid/5a7470a84.html, p. 34; The Daily Beast, *Murdered for 'Looking Gay'*, 7 June 2017, http://thebea.st/2FRfNKU. See also footnotes 620 and 629.

626 "*In Baghdad and the middle of Iraq the violence is actually more visible from groups supported by the government, who do killing campaigns. The latest one was in January* [2017] *– we knew several people who were killed but there were rumours there was a list of 100 names.* (…) *Suspected community spaces have been burned down or bombed, and it hasn't been safe to meet up with people for at least six years – especially as people have been targeted via dating apps*"; The Guardian, *Where Are the most Difficult Places in the World to be Gay or Transgender?*, 1 March 2017, http://bit.ly/2lWFdQ5. See also, IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG, pp. 12-13; HRW, *LGBT Activism in the Middle East and North Africa*, 16 April 2018, www.refworld.org/docid/5b34f0827.html, pp. 16-17; So Film (in French), *Mystère Blonde*, 1 September 2017, http://bit.ly/2GIGwLk; The Daily Beast, *Murdered for 'Looking Gay'*, 7 June 2017, http://thebea.st/2FRfNKU.

627 "*Members of the trans community, in particular, face extreme danger simply by existing. Especially those who choose to undergo hormone treatment and show physical changes. The fact that hormone treatments are not legal make transitioning even more dangerous for those individuals. Undergoing sex change operations are not permitted by the law. People who manage to undergo the surgery outside of Iraq face the difficulties in obtaining legal documents that reflect their post surgical identity*"; IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG, pp. 10-11. See also, Vox, *Trans Refugees Fled to Greece for a Better Life. They Found Intolerance*, 6 March 2018, https://bit.ly/2oKaUNK.

628 France 24, *In Baghdad, a Daring Poster Campaign to Defend LGBT Rights*, 22 June 2018, https://bit.ly/2N7rkKw; The Guardian, *Where Are the most Difficult Places in the World to Be Gay or Transgender?*, 1 May 2017, https://bit.ly/2DPDX6V; IraQueer, *Security Guide – A Guide Focusing on the Physical and Digital Security Aspects of the LGBT+ Community in Iraq/Kurdistan*, undated, https://bit.ly/2DUTLWb.

and/or gender identities and to provide them with protection.[629] As a result, individuals of diverse sexual orientations and/or gender identities 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,[630] and further harm at the hands of the authorities or others.[631] Impunity is therefore reported to be widespread.[632]

Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) organizations are reported to not operate openly[633] and activists working on the rights of individuals of diverse sexual orientations and gender identities are frequently subjected to threats, harassment and physical assault by state and non-state actors.[634] Some civil society organizations reportedly run temporary safe houses in secret locations for individuals fearing harm. These safe houses are reported to operate outside any legal framework[635] and at enormous risks for both the individuals as well as the organizations' staff.[636] 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 a small number of individuals at any given time in order not attract the attention of the authorities and other actors.[637] IraQueer has documented instances of individuals having been killed by their family after they left a safe house.[638]

b) Situation in the KR-I

The Iraqi Penal Code is also applicable in the KR-I and available information suggests that persons of diverse sexual orientations and/or gender identities have been arrested and at times prosecuted on public indecency or prostitution charges.[639] 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

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629 "(…) *the judicial system remains critically flawed and corrupt, producing a deep sense of fear amongst* [LGBTI] *populations across the country, offering no respite to the immense discrimination and persecution happening at the community and family level*"; ILGA, *State Sponsored Homophobia World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition*, May 2017, www.refworld.org/docid/59e615f64.html, p. 176. See also, IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG, pp. 7, 13, 19, 20. In cases of crimes committed against individuals on the basis of their actual or perceived sexual orientation and/or gender identity, the police and courts are reported to consider the victim's alleged sexual orientation and/or gender identity as a "*mitigating factor*", leading to significantly reduced sentences for the perpetrators; CRC, *Concluding Observations on the Combined 2nd to 4th Periodic Reports of Iraq*, 3 March 2015, www.refworld.org/docid/562de4494.html, para. 27.

630 See footnote 620.

631 See footnote 625.

632 "*Not even one person has been held accountable for the killing of an LGBT+ individual*"; IraQueer, *Statement*, 10 October 2018, https://bit.ly/2RpD24C. "(…) *perpetrators know that anti-LGBT laws will likely dissuade their victims from seeking recourse*"; HRW, *LGBT Activism in the Middle East and North Africa*, 16 April 2018, www.refworld.org/docid/5b34f0827.html, p. 21.

633 NGOs are not permitted to legally register as LGBT organizations; Outright Action International, *The Global State of LGBTIQ Organising*, 7 August 2018, https://bit.ly/2ILKzaG, p. 3.

634 The UN Special Rapporteur on extrajudicial, summary or arbitrary executions reported that Iraqi sources informed her about "*frequent attacks against activists and NGOs supporting the human rights of LGBTQI*"; OHCHR, *End of Visit Statement of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on Her Visit to Iraq*, 24 November 2017, https://bit.ly/2NfKxbN. See also, France 24, *In Baghdad, a Daring Poster Campaign to Defend LGBT Rights*, 22 June 2018, https://bit.ly/2N7rkKw; IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG, p. 18; HRW, *LGBT Activism in the Middle East and North Africa*, 16 April 2018, www.refworld.org/docid/5b34f0827.html, pp. 36, 50-51; Step Feed, *We Talked to the Activist Leading Iraq's First Queer Movement*, 26 January 2018, http://bit.ly/2G5Qx7m.

635 Interview and e-mail exchange with Amir Ashour, Founder and Executive Director of IraQueer, November 2018 and April 2019. See also Section III.A.8 ("*Women and Girls with Certain Profiles or in Specific Circumstances*").

636 Interview and e-mail exchange with Amir Ashour, IraQueer, November 2018 and April 2019; Step Feed, *We Talked to the Activist Leading Iraq's First Queer Movement*, 26 January 2018, http://bit.ly/2G5Qx7m.

637 Interview and e-mail exchange with Amir Ashour, IraQueer, November 2018 and April 2019.

638 *Ibid*.

639 UNAMI/OHCHR noted that arrests under false pretenses were used as a "*tactic against the LGBTI population*" and that in general they do not result in actual prosecutions; E-mail communication with UNAMI/OHCHR (e-mail on file with UNHCR), January 2019. According to IraQueer, those arrested on such charges run the risk of being exposed to their families; Interview and e-mail exchange with Amir Ashour, IraQueer, November 2018 and April 2019. See also, Rudaw, *LGBT Community Fear Living Openly in Kurdistan*, 29 January 2019, https://bit.ly/2BfezJk; HRW, *LGBT Activism in the Middle East and North Africa*, 16 April 2018, www.refworld.org/docid/5b34f0827.html, p. 66.

homosexuality and gender non-conformity.[640] Public discourse around the rights of individuals of diverse sexual orientations and gender identities has reportedly slowly started to emerge, mostly led by one women's organization and some media.[641] Yet, most civil society actors report that working on LGBTI issues remains highly sensitive and they can work only in a very discreet manner and at personal risk.[642]

Most individuals of diverse sexual orientations and/or gender identities are reported to be under pressure to keep their sexual orientation or gender identity secret[643] in order to avoid discrimination (e.g. in relation to access to employment and medical care),[644] harassment, threats, physical abuse and sexual violence at the hands of society, their families and the police,[645] as well as as well as "honour killings" by their families.[646] The police and security forces have been reported to engage in abuses

640 "*Often gay and lesbian Kurds end up getting married and living in a traditional heterosexual relationship*"; Niqash, *Coming Out: The Secret Lives of Iraqi Kurdistan's Gay Community Slowly Emerging*, 9 November 2017, http://bit.ly/2senA3t. "*Even among some relatively secular families, the tribal underpinnings of Kurdish culture, which are more pronounced in rural areas, can strongly limit social behavior. Tribes still have their own conservative honor code, even if religion is not the only driving force behind the lack of tolerance*"; Huffington Post, *In ISIS' Shadow, LGBT Kurds Take a Stand*, 26 June 2017, http://bit.ly/2tVMS7u. See also, Rasan Organization (video), *Rasan Organization Short LGBTI Movie*, August 2018, https://bit.ly/2qiWjsN; NRT English (video), *Homosexuality in the Kurdistan Region*, 9 April 2017, http://bit.ly/2ppV3UQ; Al-Monitor, *LGBT Community Struggles for Recognition, Rights in Iraqi Kurdistan*, 16 June 2017, http://bit.ly/2qLJA4Z.

641 HRW, *LGBT Activism in the Middle East and North Africa*, 16 April 2018, www.refworld.org/docid/5b34f0827.html, p. 52; MEE, *'The World Is Changing': Iraqi LGBT Group Takes Campaign to Streets*, 10 March 2018, https://bit.ly/2G6FrQq; Niqash, *Coming Out: The Secret Lives of Iraqi Kurdistan's Gay Community Slowly Emerging*, 9 November 2017, http://bit.ly/2senA3t; Huffington Post, *In ISIS' Shadow, LGBT Kurds Take a Stand*, 26 June 2017, http://bit.ly/2tVMS7u; British Library, *A Rainbow in Stormy Skies: LGBT Writing in the Northern Middle East*, 26 June 2017, https://bit.ly/2pyn38I; Iraqi News, *MP Slams U.S. Consulate in Erbil for Raising LGBT Flag*, 4 June 2017, https://bit.ly/2I05Trc; NRT English (video), *Homosexuality in the Kurdistan Region*, 9 April 2017, http://bit.ly/2ppV3UQ; The New Arab, *Radio Wars: The Battle for Minds on Kurdistan's Airwaves*, 11 February 2017, http://bit.ly/2GISOTY.

642 E-mail communication with UNAMI/OHCHR (e-mail on file with UNHCR), January 2019; Interview and e-mail exchange with Amir Ashour, IraQueer, November 2018 and April 2019.

643 "(…) *all persons who are, or who are perceived to be, LGBTI are constantly at grave risk of serious harm anywhere in the Kurdistan Region if they choose to live openly. Those who do not live openly live in constant fear of exposure and resultant violence"*; E-mail communication with UNAMI/OHCHR (e-mail on file with UNHCR), January 2019. See also, Rudaw, *LGBT Community Fear Living Openly in Kurdistan*, 29 January 2019, https://bit.ly/2BfezJk; Niqash, *Coming Out: The Secret Lives of Iraqi Kurdistan's Gay Community Slowly Emerging*, 9 November 2017, http://bit.ly/2senA3t; Al-Monitor, *LGBT Community Struggles for Recognition, Rights in Iraqi Kurdistan*, 16 June 2017, http://bit.ly/2qLJA4Z; NRT English (video), *Homosexuality in the Kurdistan Region*, 9 April 2017, http://bit.ly/2ppV3UQ.

644 "*Members of the LGBTI community report losing their jobs when they are found out, or not being able to get a job in the first place because they are perceived to be different.* (…) *Anecdotally, HRO understands that LGBTI persons are extremely reluctant to identify themselves to medical workers, including for purposes of dealing with sexual health issues, because of the lack of privacy and threat of discrimination*"; E-mail communication with UNAMI/OHCHR (e-mail on file with UNHCR), January 2019. IraQueer highlighted the difficulties faced by individuals of diverse sexual orientations and/or gender identities to access health and psychological care, including for survivors of ISIS atrocities; Interview and e-mail exchange with Amir Ashour, IraQueer, November 2018 and April 2019.

645 "*Members of the LGBTI community in the Kurdistan Region report that people who are perceived to be homosexual, or simply look or act differently from traditional gender roles, are at risk of harassment and/or violence from the public and police*"; E-mail communication with UNAMI/OHCHR (e-mail on file with UNHCR), January 2019. Based on interviews conducted by IraQueer with 257 LGBT+ Iraqis, 32 per cent of violent incidents against LGBTI+ individuals occurred in the KR-I between 2015 and 2018 (compared to 42 per cent in Central Iraq and 26 per cent in Southern Iraq); IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG, p. 15. See also, MEE, *'The World Is Changing': Iraqi LGBT Group Takes Campaign to Streets*, 10 March 2018, https://bit.ly/2G6FrQq; Al-Monitor, *LGBT Community Struggles for Recognition, Rights in Iraqi Kurdistan*, 16 June 2017, http://bit.ly/2qLJA4Z; NRT English (video), *Homosexuality in the Kurdistan Region*, 9 April 2017, http://bit.ly/2ppV3UQ; Canada: Immigration and Refugee Board of Canada, *Iraq: Honour-Based Violence in the Kurdistan Region; State Protection and Support Services Available to Victims*, 15 February 2016, IRQ105424.E, www.refworld.org/docid/56d7f9974.html; Rudaw, *Hermaphrodite once Buried Alive Fled Kurdistan in Pursuit of Better Life*, 7 February 2017, http://bit.ly/2G6jQXj.

646 "*The more common and more severe danger for LGBTI people comes from their own families, who may try to remove the dishonor of having an LGBTI person in the family by killing him or her. HRO is not aware of any LGBTI-related honor killings being officially reported as such in the Kurdistan Region in the last year and a half. As with all 'honor killings' this is understood to be because families would not report killings due to their own involvement or to avoid further shame on the family. Furthermore, persons connected to the victim may not report the crime out of fear of reprisals. Finally, police may be reluctant to investigate based on the assumption that such matters are internal to the family. However, HRO is aware of several individuals who reported that their families have threatened to murder them and have actively hunted them to do so"*; E-mail communication with UNAMI/OHCHR (e-mail on file with UNHCR), January 2019. According to IraQueer, families would commonly cover up the real reasons for "*honour crimes*" perpetrated against individuals of diverse sexual orientations and/or gender identities, e.g. the killing might be blamed on

against individuals of diverse sexual orientations and/or gender identities,[647] including harassment and arrests at checkpoints and in detention.[648] Persons of diverse sexual orientations and/or gender identities are reported to be at "*extremely high-risk*" of trafficking for the purpose of commercial sexual exploitation, particularly in light of the lack of any safe place within the KR-I.[649]

No specific shelters for individuals of diverse sexual orientations and/or gender identities at risk of harm are available in the KR-I. Women of diverse sexual orientations and/or gender identities in principle have access to women's shelters in the KR-I; however, access depends on a court order, which requires the victim to file a report with the police.[650] Men of diverse sexual orientations and/or gender identities do not have access to any shelters in the KR-I, although some civil society organizations have been providing temporary shelter in private accommodations or hotels to some individuals,[651] usually at considerable risk for both the victim and those involved in providing this support.[652] Individuals of diverse sexual orientations and/or gender identities would often also lack the financial means to rent accommodation or to pay for a hotel room, as they commonly live outside their family support network.[653]

In all areas of Iraq, individuals of diverse sexual orientations and/or gender identities 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, and further harm at the hands of the authorities or others.[654]

UNHCR considers that persons of diverse sexual orientations and/or gender identities **are likely to be in need of international refugee protection** on account of their membership of a particular social group and/or other relevant grounds, depending on the individual circumstances of the case.[655] State

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an extramarital affair with a person of the opposite sex. The police would consider such killings as a "*family affair*" and not investigate; Interview and e-mail exchange with Amir Ashour, IraQueer, November 2018 and April 2019. See also, Rudaw, *LGBT Community Fear Living Openly in Kurdistan*, 29 January 2019, https://bit.ly/2BfezJk.

647 "*In some cases, police may fabricate crimes for which to arrest them, such as public indecency or prostitution. Accordingly, the police are by no means helpful for LGBTI people in danger from others*"; E-mail communication with UNAMI/OHCHR (e-mail on file with UNHCR), January 2019. "*Similarly, queer individuals, especially 'masculine' women, 'feminine' men, and trans people, have faced physical abuse in Northern Iraq under the Kurdistan Regional Government. Many of those individuals have been detained without being informed about their rights, or without access to legal representation*"; IraQueer, *The State of LGBT+ Human Rights in Iraq*, June 2018, https://bit.ly/2tDR5tG, pp. 13-14.

648 According to IraQueer, rape has been used against individuals of diverse sexual orientations and/or gender identities as a means to "*correct them*"; Interview and e-mail exchange with Amir Ashour, IraQueer, November 2018 and April 2019.

649 The risk is reported to be particularly high for "*men who manifest a 'feminine' behavioral expression or have undergone hormone therapy; transgender individuals; and men identifying as, or perceived to be gay. Fleeing from threats of or perpetrated violence within the home including molestation, rape and sexual exploitation, these individuals are often without safe shelter making them extremely vulnerable to CSE* [commercial sexual expoitation]*. Additionally, it was reported that it is often extremely difficult for LGBT+ individuals to secure sustainable, safe employment, making it difficult for them to live independently";* 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.

650 See Section III.A.8 ("*Women and Girls with Certain Profiles or in Specific Circumstances*").

651 E-mail communication with UNAMI/OHCHR (e-mail on file with UNHCR), January 2019; Interview and e-mail exchange with Amir Ashour, IraQueer, November 2018 and April 2019.

652 *Ibid*. "*Individuals who identify as LGBT+ remain at high risk in the community with no shelter or protections available to them*"; 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.

653 According to UNAMI HRO, they may even run the risk of being told to leave the hotel or apartment on account of their actual or perceived sexual orientation and/or gender identity; E-mail communication with UNAMI/OHCHR (e-mail on file with UNHCR), January 2019. See also, 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.

654 Interview and e-mail exchange with Amir Ashour, IraQueer, November 2018 and April 2019. "*Based on overall attitudes towards domestic violence, family matters, and LGBTI persons, we are of the opinion that authorities would offer no protection whatsoever to LGBTI persons at risk of violence from their families, let alone investigate or prosecute human rights abuses against LGBTI persons. LGBTI persons would not feel safe reporting incidents to the police, for fear of further victimization by the police*"; E-mail communication with UNAMI/OHCHR (e-mail on file with UNHCR), January 2019. See also footnote 639.

655 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*

protection from such persecution is generally not available where the actors of persecution are non-State actors.

It should be borne in mind that persons of diverse sexual orientations and/or gender identities cannot be expected to conceal their identity in order to avoid persecution.[656] Furthermore, the existence of significant criminal sanctions for consensual same-sex sexual acts is a bar to state protection, including where persecutory acts are perpetrated by non-state actors such as armed groups and members of society.[657]

11) 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.[658] 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.[659] Under tribal custom, male members of an extended family ("*khamsa*") are obliged to avenge the injury or death of another member, be it in the form of killing someone from the murderer's *khamsa*,[660] or, more commonly, agreeing on financial compensation (blood money, "*fasl*" or "*diyya*" to the family of the victim"), which in turn ends the right to retribution.[661] Despite being prohibited by law, inter-tribal conflicts are at times resolved by

to the Status of Refugees, 23 October 2012, HCR/GIP/12/01, www.refworld.org/docid/50348afc2.html (hereafter: UNHCR, *Guidelines on International Protection No. 9*, 23 October 2012, www.refworld.org/docid/50348afc2.html).

656 *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.

657 See UNHCR, *Guidelines on International Protection No. 9*, 23 October 2012, www.refworld.org/docid/50348afc2.html.

658 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 and 16-20.

659 "*Tribal law provides remedies for all types of disputes involving harm to person, property or reputation, whether intentional or accidental*"; POMEPS, *Legal Pluralism and Justice in Iraq after ISIL*, 10 September 2018, https://bit.ly/2rpzPqw. See also, Kurdistan 24, *Tribal Row over Public Park in Baghdad Kills Bypassers*, 3 July 2018, http://bit.ly/2q01RZ3; Kurdistan24, *Video of Youth Kissing Iraqi Election Poster Nearly Causes Tribal Feud*, 21 April 2018, https://bit.ly/2QhE32s; The New Arab, *Tribal Feuds Spread Fear in Iraq's Basra Province*, 19 January 2018, http://bit.ly/2Crh5Og; Niqash, *Tribal Justice Rules: In Basra, 'Terrorism by Tradition' Causes Fear and Waste*, 22 November 2017, http://bit.ly/2CsDlY0; Niqash, *Iraqi Tribes Take Law Into Own Hands, Make Facebook Trolls Pay*, 13 July 2017, http://bit.ly/2B2NoPk. In some cases, accusations of unprofessional conduct of certain professionals are reported to have led to acts of retribution by relatives and members of tribes, including against doctors and teachers (e.g. in case of a failed surgery or the failing of exams); The Arab Weekly, *Medical Doctors, a Disappearing Profession in Iraq*, 31 March 2019, https://bit.ly/2Gz8Os2; France 24, I*raq Doctors Say Vendettas Threaten Their Lives as They Save Others*, 28 February 2019, http://f24.my/4W2V.T; Niqash, *Tribal Justice Rules: In Basra, 'Terrorism by Tradition' Causes Fear and Waste*, 22 November 2017, http://bit.ly/2CsDlY0; Al-Monitor, *Iraqi Teachers Unsafe in Own Classrooms*, 31 January 2017, https://bit.ly/2DUaePo. Similarly, members of the police have reportedly been targeted by tribes in response to fining or arresting a tribal member; AFP, *Tribes, Tradition Stand in Way of Iraq Police*, 23 September 2017, http://bit.ly/2NPg5oY.

660 "*Tribal legal processes are built upon the principle that those who have suffered have the right to respond with equal violence, in order to restore the honour of – not the harmed individual – but the group. The group is referred to as khamsa* (…) *and includes all males descended from a common ancestor five generations back. If one member of the khamsa is the victim of a crime or serious insult, the honour of the entire group is violated*"; POMEPS, *Legal Pluralism and Justice in Iraq after ISIL*, 10 September 2018, http://bit.ly/2S7ln2O.

661 "*To mitigate against this system of revenge descending into frequent violence, tribal law also offers the khamsa an opportunity to restore its honor through a negotiated settlement (sahl) and payment of a tribute (fasel)*"; POMEPS, *Legal Pluralism and Justice in Iraq after ISIL*, 10 September 2018, http://bit.ly/2S7ln2O. "*In some areas, tribes have been unwilling to cooperate with state authorities and have insisted on enforcing their own legal doctrines including those requiring paying of 'blood money' or banishment*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 24. "*Under customary tribal law, 'blood money' is paid to the family of a victim by the tribe of the perpetrator*"; War on the Rocks, *Baghdad Must Seize the Chance to Work with Iraq's Tribes*, 17 January 2018, https://bit.ly/2PoIhzW. For an overview of the different mechanisms deployed to resolve intertribal disputes, including on the different types of "*fasl*", see also, Haider Ala Hamoudi, Wasfi H. Al-Sharaa and Aqeel Al-Dahhan, *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/1Rj976r

one tribe giving one or several girls or women for marriage to another tribe ("*fasliyah*").[662] 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.[663] In particularly serious cases, such as in the case of "honour crimes" or the murder of a tribal leader, tribes may impose capital punishment on the culprit.[664]

In instances in which tribes fail to resolve disputes between them through peaceful means, disputes can turn into blood feuds ("*tha'r*"). Such feuds, accompanied by armed confrontations with heavy weapons, abductions and killings, are reported to remain a common occurrence, particularly, but not exclusively, in the southern governorates,[665] where the situation is reportedly compounded by the return of armed fighters who had fought against ISIS.[666]

Tribal justice has reportedly also gained renewed strength in formerly ISIS-held areas as many tribes are reported to consider the formal justice system ineffective to deal with those considered guilty of atrocities committed by ISIS (be it with respect to alleged ISIS members from other tribes or from their

(hereafter: Hamoudi et. al., *The Resolution of Disputes in State and Tribal Law in the South of Iraq*, April 2015, http://bit.ly/1Rj976r), pp. 233-242.

662 "*One tribe may force women to marry members of another tribe 'as a means of resolving a dispute between the two groups' – a practice that is prohibited by Iraq's Personal Status Law*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 24. According to Maytham al-Saadi, a professor at Missan University, the practice has changed over time: "*In the past, fasliyas would be proposed only in cases needing blood money, but in recent decades they've been used to end the simplest disputes between tribes*". He referred to this tribal custom as "*modern slavery*"; Channel News Asia, *In Iraq, Tribal Traditions Rob Women, Girls of Rights*, 18 April 2019, http://po.st/OTINpT. See also Section III.A.8.e ("*Forced and Child Marriage*").

663 "*One of the 'solutions'* […] *was to banish families with one or more members who had joined IS from returning to the community according to the tribal law doctrine of bara'ah ('disavowal')*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 24. "*The fasl may also involve matters beyond the mere payment of money, including, for example, a requirement that a party leave their home and move to a location father away from the home of the victim or other members of his tribe. That may be accompanied by a written guarantee that the perpetrator will not return again to the same city, neighborhood, or village. If he is then seen in the place where he had promised to not appear any longer, the, to use the tribal phrasing, 'his blood could be shed with impunity'* "; Hamoudi et al., *The Resolution of Disputes in State and Tribal Law in the South of Iraq*, 30 March 2015, http://bit.ly/2zIHcg5, p. 239. See also, Center for Naval Analyses, *"No Security Without Us": Tribes and Tribalism in Al Anbar Province, Iraq*, June 2014, http://bit.ly/2NPLmZgf, pp. 12-13, 15. On the announcement of the expulsion decision and its consequences for the affected individual, see: UNHCR, *Tribal Conflict Resolution in Iraq*, 15 January 2018, https://www.refworld.org/docid/5a66f84f4.html, pp. 2-3 (and sources included therein). See also below footnote 626.

664 See Section III.A.8.d *("Honour"-Based Violence*).

665 "*With the Iraqi security forces already debilitated following the 2003 war, the power vacuum allowed many spaces to be occupied by southern Iraq's historic tribal entities that have exploited citizens through intimidation, blood money, and revenge attacks, causing ongoing violence in many neighborhoods across Basra. Unresolved tribal disputes in Basra frequently spill into violent clashes, transforming some residential areas into conflict zones. Each time a tribal member is killed, a revenge killing is threatened in retaliation*"; Foreign Policy, *Northern Iraq May Be Free, but the South Is Seething*, 9 November 2018, https://bit.ly/2G5zweH. See also, Al Jazeera, *Iraqi Tribes under Fire over Age-Old Mediation Custom*, 26 December 2018, https://bit.ly/2MaiOKP; Iraqi News, *One Person Killed, Two Wounded in Tribal Dispute in Iraq's Anbar*, 25 December 2018, https://bit.ly/2Awmu4Q; AFP, *In Iraq, Bloody Tribal Custom now Classed as 'Terrorism'*, 18 November 2018, https://yhoo.it/2BXuXiy; Washington Post, *How Violent Protests in Iraq Could Escalate*, 11 September 2018, https://wapo.st/2pZa0wL; Iraqi News, *Iraqi Authorities Declare Curfew in Al-Dujail District Following Fierce Tribal Clashes*, 2 August 2018, http://bit.ly/2PcazS4; Kurdistan 24, *Tribal Row over Public Park in Baghdad Kills Bypassers*, 3 July 2018, http://bit.ly/2q01RZ3; Kurdistan 24, *Tribal Conflict in Sulaimani Kills Eight, Injures Nine*, 18 March 2018, http://bit.ly/2J4K4sk; The New Arab, *Tribal Feuds Spread Fear in Iraq's Basra Province*, 19 January 2018, http://bit.ly/2Crh5Og. In late 2018, the Supreme Judicial Council classified tribal attacks as acts of "*terrorism*" under the 2005 Anti-Terrorism Law; Kurdistan 24, *Clashes Between Basra Tribes Kill, Injure Ten People*, 12 March 2019, http://bit.ly/2F1CSvH; Republic of Iraq/Supreme Judicial Council, *The Judiciary Writes the End Chapter (Tribal Attack) as a Terrorist*, 23 December 2018, http://bit.ly/2u6pMIr; AFP, *In Iraq, Bloody Tribal Custom now Classed as 'Terrorism'*, 18 November 2018, http://bit.ly/2Y0GpCS.

666 Foreign Policy, *Northern Iraq May Be Free, but the South Is Seething*, 9 November 2018, https://bit.ly/2G5zweH; International Peace Institute, *Protests in Southern Iraq Intensify, Is Instability to Follow?*, 24 July 2018, https://bit.ly/2FXFEnG; Jane's Defense Weekly, *Tribal Conflict in South Iraq Likely to Increase, Exacerbated by Returning PMU Fighters and Oil Sector Growth*, 11 January 2018, http://bit.ly/2CRRsXN.

own tribe).[667] Acts of retribution are reported to also be frequently effected against families associated with real or perceived ISIS members on account of their family or tribal relations.[668]

Those who fear being targeted for revenge acts will often refrain from approaching the police for fear of further reprisals,[669] while law enforcement personnel, who are often themselves members of tribes, are reported to be reluctant to interfere in tribal conflicts.[670] Blood feuds may give rise to long cycles of retaliatory violence and revenge and can sometimes flare up after being dormant for years.[671] In April 2018, the Ministry of Justice reportedly announced the establishment of a tribal arbitration committee tasked with the resolution of tribal conflicts. Iraqi observers described the development as further undermining the formal justice system.[672]

UNHCR considers that individuals involved in blood feuds **may,** depending on the individual circumstances of the individual case, **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.[673] 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 ISIS, including families associated with real or perceived ISIS members, see Section III.A.1 a and b.

For women and girls, as well as persons of diverse sexual orientations and/or gender identities at risk of "honour"-based violence at the hands of their tribe, see Sections III.A.8.d and III.A.10.

667 "*Many of these threats have followed written tribal agreements that identify specific individuals accused of association with IS and demand their temporary expulsion or permanent banishment from the community according to the tribal law doctrine of 'bara'ah' ('disavowal'). For example, in the Iraqi Governorate of Salah ad-Din, several tribes published a list of the names of 113 individuals who are accused of association with IS and therefore permanently banned from the community. In other areas, tribes have imposed temporary bans on IS-affiliated returnees. For example, in Tikrit, family members of alleged IS members have been banned from returning for a five-year period. Under tribal law, these banned individuals can be killed if they return.* (…) *In the village of Qayyarah in Ninewa, family members of victims of IS – acting with the backing of local tribal leaders – drew up a list of names and visited the houses of these individuals to demand that they sign next to their names promising to leave the community or else face consequences*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, pp. 11, 24. "*Before destroying his home, the tribe shunned him, leaving the former ISIS man unprotected in a country where tribal law often takes precedence over the law and the courts*"; AFP, *Tribal Justice Awaits Returning Iraqis who Joined Daesh*, 14 November 2017, http://bit.ly/2AVYjvi. See also, ECFR, *Reconciliation in Sinjar after ISIS*, 31 October 2018, https://bit.ly/2P3B2x7, p. 23; The National, *In Post-ISIS Iraq, Tribal Justice Grows in Shadow of Baghdad Mistrust*, 25 June 2018, http://bit.ly/2ykWFUc; Asharq Al-Awsat, *Anbar Tribes Seek Vengeance Against Iraqi ISIS Members*, 17 November 2017, https://bit.ly/2FlUsfy. See also Section III.A.1.a ("*Civilians Perceived to Be Supporting ISIS*").

668 "*A key principle of tribal law, which is influential in Iraq – particularly in areas where state authority is weak – is the attribution of collective guilt to the family or tribe of the perpetrator of a crime. This principle allows for the relatives of an IS member to be held vicariously responsible for crimes that he or she committed individually*"; UNU-CPR, *The Limits of Punishment*, May 2018, https://bit.ly/2zI6nQC, p. 10. See also Section III.A.1.b ("*Families Associated with Actual or Perceived ISIS Members*").

669 Niqash, *Tribal Justice Rules: In Basra, 'Terrorism by Tradition' Causes Fear and Waste*, 22 November 2017, http://bit.ly/2CsDlY0.

670 "*Local security forces rarely intervene in these tribal altercations and often abandon these areas completely due to a lack of adequately armed forces*"; Foreign Policy, *Northern Iraq May Be Free, but the South Is Seething*, 9 November 2018, https://bit.ly/2G5zweH. See also, Kurdistan 24, *Tribal Row over Public Park in Baghdad Kills Bypassers*, 3 July 2018, http://bit.ly/2q01RZ3; AFP, *Tribal Feuds Spread Fear in Iraq's Basra*, 19 January 2018, https://bit.ly/2EkiQP4; War on the Rocks, *Baghdad Must Seize the Chance to Work With Iraq's Tribes*, 17 January 2018, https://bit.ly/2PoIhzW; AFP, Tribes, *Tradition Stand in Way of Iraq Police*, 23 September 2017, http://bit.ly/2NPg5oY. On the other hand, law enforcement personnel who belong to feuding tribes may themselves be caught up in the feud; see e.g. Bas News, *Basra: Tribal Dispute Sends 500 Traffic Police Officers Home*, 18 April 2019, https://bit.ly/2GzWMi0.

671 Kurdistan24, *Tribal Conflict in Sulaimani Kills Eight, Injures Nine*, 18 March 2018, http://bit.ly/2J4K4sk; AFP, *Tribal Feuds Spread Fear in Iraq's Basra*, 19 January 2018, https://bit.ly/2EkiQP4; Iraqi News, *500 Refugee Families Fear Return to Diyala over Blood Feud*, 4 December 2016, http://bit.ly/2CSXS9b.

672 Al-Monitor, *Will Iraq's New 'Tribal Court' Undermine Rule of Law?*, 12 April 2018, http://almon.co/315b; Irfaa Sawtak, article in Arabic dated 3 April 2018, available at: https://bit.ly/2SObYgy.

673 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.

12) Palestinian Refugees

a) Situation in Areas under Control of the Central Government

Palestinian refugees continue to be faced with a sentiment or perception among some segments of the Iraqi population, including among law enforcement agencies, that they received preferential treatment from the former Government of President Saddam Hussein and/or that they are supportive of ISIS, or previously, Al-Qa'eda in Iraq.674 The renewed escalation of violence in Iraq between 2014 and 2017 as a result of the advances of ISIS and the corresponding rise of government-affiliated armed groups resulted in a significant deterioration of the security and human rights situation for Palestinians in Iraq, including in Baghdad (where the vast majority of Palestinians reside), Ninewa and Al-Anbar.[675] Despite relative improvements in the overall security situation following the territorial defeat of ISIS,[676] UNHCR continues to record targeted attacks against Palestinian refugees mainly in Baghdad based on their nationality and perceived affiliation with ISIS. Recorded attacks include harassment, threats, arbitrary arrest and prolonged detention, torture, abduction, extortion and killing at the hands of both state and non-state actors.[677] As of March 2019, a total 71 Palestinians are known to UNHCR to be held in

674 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 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*"). The rights of Palestinian refugees were further guaranteed through national legislation. Under the former Government of Saddam Hussein, Palestinians enjoyed a broad range of rights, including the rights to work, health care and education and were provided with government-owned housing in the Baladiyat residence complex in Baghdad, or paid a fixed, subsidized rent in privately-owned dwellings. Following the fall of Saddam Hussein in April 2003, the situation of Palestinian refugees changed dramatically as they became the target of hostility and harassment by segments of the Iraqi population, particularly armed militias, on account of their perceived association with and preferential treatment by the former regime, as well as their perceived support of Sunni militant groups. They were reported to be subjected to targeted attacks, including arbitrary arrest and detention, torture, kidnappings, extra-judicial killings, bombings and mortar attacks in Baladiyat, as well as discrimination, dismissal from employment, denial of education, and forced eviction from government and rented housing. By 2007, thousands of Palestinians had fled Iraq, mainly to Syria and Jordan; Institute for International Law and Human Rights, *Iraq's Minorities and Other Vulnerable Groups*, May 2013, http://bit.ly/1PuYy4x, pp. 119-122; UNHCR, *Aide-Mémoire: Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those who Fled the Country*, December 2006, www.refworld.org/docid/45b0fc2e2.html; RCC Decree 202 of 2001, which 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, was abolished under Iraq's new Residence Law (Law No. 76 of 2017). At the time of writing, it remains unclear if and how the legal status of Palestinian refugees is affected as the Ministry of Interior is yet to issue the necessary instructions to facilitate the execution of the new law. The Secretariat of the Council of Ministers has confirmed that the regulations related to Palestinian refugees in Iraq remain valid and would not affect refugees and asylum-seekers. Furthermore, as outlined above, other laws and decrees continue to safeguard most of the rights of Palestinians; UNHCR information, April 2019. For laws and decrees relating to the legal status of Palestinian refugees in Iraq, see: *Palestinian Refugees in Iraq – Applicable Legislation*, May 2019, https://www.refworld.org/docid/5cc97cfe4.html.

675 The pre-2003 population of Palestinians countrywide was believed to be more than 34,000. Prior to the evacuation of UN staff from Iraq in August 2003, UNHCR registered 23,000 Palestinians as part of a registration campaign. Following the violence in 2006 and 2007, thousands of Palestinians fled Iraq and, at the end of 2006, the population of Al-Baladiyat had decreased from 8,000 to 4,000. In 2008, an update of the registration of Palestinians was conducted throughout the country by the Permanent Committee for Refugee Affairs of the Ministry of Interior (PC-MoI), with technical support from UNHCR, during which some 10,500 individuals were registered. A 2013 verification exercise resulted in the registration of over 8,400 Palestinians, of whom about 98 per cent live in Baghdad city (noting that locations outside Baghdad could not be visited at the time). The number of Palestinians in Baghdad has further dropped since mid-2014 as a result of the deteriorated security situation and increasing attacks against Palestinians. In April 2016, UNHCR conducted a new verification exercise and, as at 31 March 2019, 8,119 Palestinian refugees were registered with UNHCR. The vast majority of these (6,282 individuals) reside in Baghdad, with smaller numbers in other parts of central and southern Iraq (including 869 in Mosul, who are living in a residential complex that was damaged during the military offensive to retake the city from ISIS) and the KR-I (around 760 individuals, mostly in Erbil Governorate): UNHCR information, April 2019.

676 See Section II.B. ("*Security Situation*").

677 In 2017, UNHCR recorded 42 security incidents involving Palestinian refugees (of which 13 took place before 2017, but were only reported in 2017). These incidents include: 31 cases of threats to life, five (attempted) abductions, two robberies, two cases of arbitrary detention (with one detainee tortured), one murder and one disappearance. Between 1 January 2018 and 31 March 2019, UNHCR recorded 44 security incidents (of which seven took place before 2018, but were only reported in 2018), including 39 threats to life and security, two murders, two cases of arbitrary detention and one abduction. It should be noted that most cases are likely to go unreported; UNHCR information, April 2019. See also, Asharq Al-Awsat, *Iraq Continues to Deny Palestinian Refugees Right to Hajj*, 1 September 2016, http://bit.ly/2bFoGxU; The Palestinian Information Center, *Iraqi Militia Kills Palestinian Refugee near Baghdad*, 18 June 2016, https://bit.ly/2HtxyjE; The New Arab, *Palestinian 'Kidnapped by Militias' Found Dead in Iraq*, 24 May 2016, http://bit.ly/2msaE67.

detention, mostly in Baghdad.[678] The majority of these Palestinians were detained by the ISF, mostly on suspicion of terrorist activities. While some of these detainees have been charged under Article 4(1) of the Anti-Terrorism Law,[679] others reportedly remain in detention without charges. Most of these detainees are kept *incommunicado* and UNHCR and its partner organizations do not have access to them nor are they able to locate their place of detention.[680] Reports describe the routine use of torture and ill-treatment of persons held for terrorism-related offences during pre-trial detention.[681] Human rights organizations have documented cases of Palestinian refugees who were sentenced on the basis of coerced confessions, including one who was sentenced to death.[682]

Access to fair judicial proceedings and state protection is reported to be a particular challenge for Palestinians, which renders them easy targets for abuse and exploitation by militias and tribes, including for confiscation of property and forced eviction from their homes.[683] Palestinians are often reluctant to report such incidents to the authorities for fear that this would further affect their situation, due to possible links between the perpetrators of the abuse and the authorities, or the real or perceived negative bias of the police against Palestinians.[684]

Palestinian refugees hold ID cards issued by the Permanent Committee for Refugee Affairs of the Ministry of Interior (PC-MoI).[685] On the basis of a registration exercise undertaken in 2008, Palestine refugees 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) as well as their descendants obtained red ID cards, while those who arrived in 1967 or subsequently, as well as their descendants, received yellow ID cards. These ID cards can be distinguished from those held by Iraqi nationals, making Palestinian refugees easily identifiable, including at checkpoints. These ID cards are often not recognized or respected at security checkpoints, which can result in harassment, threats, physical and verbal abuse, investigation, arrest, and temporary detention at checkpoints.[686] Such restrictions on the freedom of movement affect all aspects of daily life, including access to education and employment, with often severe cumulative effects.[687] Palestinian teenage boys and girls have dropped out of school as a result of their inability to move about freely.[688] Since early 2018, new ID cards have been gradually introduced to replace the yellow and red ID cards. The new ID cards do not distinguish between different categories of Palestinians and are identical to those issued to refugees of other nationalities.[689]

Palestinians living in Mosul (Ninewa Governorate) are particularly affected by movement restrictions, e.g. when seeking to travel to Baghdad for necessary administrative procedures at the PC-MoI office or the Palestinian Embassy (e.g. adding of civil status events such as births or marriages, replacement of lost or damaged ID cards or issuance of passports). UNHCR is also aware that Palestinians in Mosul

678 UNHCR information, April 2019.

679 *Iraq: Anti-Terrorism Law (Law No. 13 of 2005)*, 7 November 2005, https://www.refworld.org/docid/5bd093414.html. See Section II.E.1.a ("*Human Rights Violations by Iraqi Authorities and Affiliated Forces*").

680 UNHCR information, April 2019.

681 UNHCR has received credible accounts of torture in detention from Palestinian refugees. In 2016, UNHCR received a report of a Palestinian refugee who had disappeared after entering a local council office at the end of May 2016 and who was found dead a few days later at the Forensic Institute in Baghdad with noticeable signs of torture; UNHCR, March 2019. See also Section II.E.1.a ("*Human Rights Violations by Iraqi Authorities and Affiliated Forces*").

682 Amnesty International, *Iraq: Submission to the UN Human Rights Committee*, 9 June 2015, p. 11; HRW, *Iraq: Protect Palestinians in Iraqi Prisons*, 13 December 2012, www.refworld.org/docid/50d02a132.html.

683 UNHCR information, April 2019.

684 UNHCR has learnt of numerous instances in which Palestinians did not approach the police for these reasons. In cases in which they reported security/protection incidents, Palestinians often faced negative consequences or inaction by the police. Lack of access to efficient state protection leaves Palestinian refugees exposed to human rights abuses by both state and non-state actors such as militias or tribes; UNHCR information, March 2019.

685 The PC-MoI is in charge of registration and issuance of ID cards to Palestinians. Registration of Palestinians by PC-MoI started in mid-2008.

686 Such reports have been received from both Baghdad and Mosul; UNHCR information, April 2019.

687 UNHCR information, April 2019.

688 *Ibid*.

689 *Ibid*.

face difficulties finding employment as PC-MoI cards are not accepted as a legitimate form of documentation by employers there.[690]

Palestinians in Iraq have also been affected by the Government's May 2018 decision to suspend the provision of food rations through the PDS for non-Iraqi nationals. Palestinians have also been affected by the Government's May 2018 decision to suspend the provision of food rations through the PDS for non-Iraqi nationals. As of 19 March 2019, the Government has provided for the resumption of the food rations for Palestinians under certain conditions.[691]

b) Situation in Areas under Control of the KR-I

Most Palestinians in the KR-I either hold PC-MoI cards and/or a UNHCR refugee certificate. In either case, Palestinian refugees are generally granted access to public services and enjoy freedom of movement across the KR-I, although certain obstacles have been reported as local authorities, including at checkpoints, do not always recognize documentation held by the refugees.[692]

From within Iraq, Palestinian refugees can travel to the KR-I either by land or air, provided they hold a valid PC-MoI card.

c) Exit from and Readmission to Iraq

To travel outside Iraq, Palestinians need to hold a travel document issued by either the Residence Affairs Directorate (MoI) for those who arrived in 1948, or a Palestinian Passport issued by the Palestinian Embassy for all others. In addition, they are required to obtain approval (exit/re-entry visas, though these terms are not necessarily used in the document) prior to their travel.[693] Exit without prior approval is punishable by confiscation of all movable and immovable property.[694] The Passports Law of 2015 further stipulates a minimum sentence of three years imprisonment for anyone who entered or left the country through unofficial border points.[695] In addition, the Penal Code foresees terms of imprisonment of maximum 15 years for those who falsify official documents or who use falsified documents.[696]

There is some ambiguity over the rules and practice applicable in the event of re-entry following an extended period (over six months) of stay outside Iraq. According to the PC-MoI, Palestinians should be treated as Iraqi citizens and, thus should not be denied readmission to Iraq, provided they hold valid travel documents and an exit/re-entry approval (even if expired). However, UNHCR received information from both the representative of the Palestinian Embassy in Baghdad and from the Palestinian community that Palestinians who stayed beyond the validity of their travel documents are not in fact allowed to re-enter Iraq. Re-entry following the expiry of their exit/re-entry visa is at the discretion of the concerned Iraqi authorities.[697]

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690 *Ibid*.

691 Palestinians seeking to reactivate their PDS must submit a written request, fingerprints of all family members, their original permanent residency as well as an attestation letter from the PC-MoI confirming the authenticity of the latter. At the time of writing, UNHCR is not aware of any Palestinians having been able to obtain their food rations; UNHCR information, April 2019.

692 UNHCR information, April 2019. See, for example, Al Jazeera, *The Forgotten Generations: Palestinian Refugees in Iraq*, 5 February 2017, http://aje.io/rzgt.

693 Exit/re-entry visas are issued by the Directorate of Residence Affairs. The validity of these exit and re-entry visas varies. While in most cases the exit visa is valid for three months, in some instances it may be issued for up to one year, depending on the reason for travel; UNHCR information, April 2019.

694 Article 17 of the 1951 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.

695 Article 15 (4) of Law No. 32 of 2015; *Iraq: Passports Law (2015)* [Iraq], 9 September 2015, www.refworld.org/docid/5c755e247.html.

696 *Penal Code (Law No. 111 of 1969)*, July 1969, www.refworld.org/docid/452524304.html, Article 289.

697 UNHCR information, April 2019.

For (re-)admission to the KR-I from abroad, Palestinians, including those registered with the PC-MoI, must hold a valid travel document / passport as well as a valid entry visa, which must be obtained prior to travelling to the KR-I.[698]

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) and who are subsequently included under Art. 1D(2) (when that protection or assistance has 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.[699]

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. The 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, 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.[700]

This section of the Guidelines 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 1(A) 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.[701]

Given the fluid nature of the situation in formerly ISIS-held areas of Iraq, applications by Iraqis for international protection under UNHCR's broader mandate criteria or under the regional instruments, or for forms of complementary protection, including subsidiary protection under Article 15 of the 2011 EU Qualification Directive, should each be assessed carefully in light of the evidence presented by the applicant and other current and reliable information about the situation in Iraq.

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698 *Ibid*.

699 See, UNHCR, *Note on UNHCR's Interpretation of Article 1D of the 1951 Convention Relating to the Status of Refugees and Article 12(1)(a) of the EU Qualification Directive in the Context of Palestinian Refugees Seeking International Protection*, May 2013, www.refworld.org/docid/518cb8c84.html.

700 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.

701 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 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 2011 Qualification Directive. European Union, *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/4f06fa5e2.html.

1) *Refugee Status under UNHCR's Broader Mandate Criteria and Regional Instruments*

a) 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,[702] 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.[703] 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.[704]

In formerly ISIS-held areas, particularly in areas outside urban centres, the conflict between the ISF and affiliated forces on the one hand and ISIS on the other continues despite the end of major military operations in the end of 2017. Although ISIS no longer holds effective control over territory, the government has not established effective government control outside urban areas in Al-Anbar, Diyala, Kirkuk, Ninewa and Salah Al-Din Governorates, where ISIS continues to operate. Indicators to assess the threat to life, physical integrity or freedom resulting from generalized violence in these areas include: (i) the number of civilian casualties as a result of indiscriminate acts of violence, including suicide and car bomb attacks, shelling, IED explosions and ERW (see Section II.B); (ii) the number of 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. D)

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.E and II.F relating to (i) ISIS' 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; (iv) 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 (v) constraints on women's participation in public life.

Against this background, UNHCR considers that individuals who originate from areas where limited military operations against ISIS continue and/or where ISIS continues to operate characterized above, may, depending on the individual circumstances of the case, 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.

b) Refugee Status under Article I(2) of the 1969 OAU Convention

Iraqis and former habitual residents from 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

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702 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.

703 UNHCR, *Providing International Protection Including Through Complementary Forms of Protection*, 2 June 2005, EC/55/SC/CRP.16, www.refworld.org/docid/47fdfb49d.html; UN General Assembly, *Note on International Protection*, 7 September 1994, A/AC.96/830, www.refworld.org/docid/3f0a935f2.html.

704 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.

instrument, on the grounds that they were compelled to leave their place of habitual residence owing to events seriously disturbing public order parts of Iraq, in order to seek refuge outside Iraq.[705]

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 *ordre public*.[706] UNHCR considers that areas of Iraq, where limited military operations against ISIS continue and/or where ISIS continues to operate 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 Refugee 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.

c) Refugee Status under the Cartagena Declaration

Asylum-seekers from Iraq who seek international protection in any of the countries that have incorporated the Cartagena Declaration on Refugees ("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.[707]

Following similar considerations as for UNHCR's broader mandate criteria and the 1969 OAU Convention (Sections III.B.1.a and b), UNHCR considers that individuals originating from areas of Iraq, where limited military operations against ISIS continue and/or where ISIS enjoys freedom of movement, and who have been found not to meet the criteria of the 1951 Refugee Convention, may be in need of international protection under the terms of the Cartagena Declaration, on the grounds that they have fled because their lives, safety or freedom were threatened by circumstances that have seriously disturbed public order, either in the form of direct or indirect consequences of conflict-related violence, or as a result of serious human rights violations and abuses committed with impunity by armed actors in these areas.

2) 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

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705 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. The definition of the term *"refugee"* as contained in Article I of the 1969 OAU Convention has been incorporated into Article I of the Bangkok Principles on the Status and Treatment of Refugees (Bangkok Principles). See 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.

706 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/50fd3edb2.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, ISSN 1020-7473, www.refworld.org/docid/4ff168782.html.

707 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 Cartagena Declaration is included in a nonbinding 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 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, HCR/GIP/16/12, www.refworld.org/docid/583595ff4.html, paras 61-85.

for believing that they would face a real risk of serious harm in Iraq.[708] In light of the information presented in Section II.C of these Guidelines, applicants may, depending on the individual 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;[709] or torture or inhuman or degrading treatment or punishment),[710] either at the hands of the State or its agents, or at the hands of non-state agents.[711]

Equally, in light of the fact that Iraq continues to be affected by a non-international armed conflict and in light of the information presented in Sections II.B, II.C, II.D and II.E of these Considerations, applicants originating from or previously residing in conflict-affected areas may, depending on the individual 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 the armed conflict in Iraq, 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 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) the continued presence of ISIS in areas outside of urban centres, where effective government control has not been established following the retaking of these areas from ISIS and the latter's 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.

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.[712] 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.

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708 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. European Union, *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, Articles 2(f), 15.

709 For information on the legal basis, use and implementation of the death penalty by the central government and the KRG, see Section II.E.1 ("*Human Rights Situation – State Actors*").

710 See Section II.E ("*Human Rights Situation*").

711 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 Refugee 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.

712 See Court of Justice of the European Union, *Elgafaji v. Staatssecretaris van Justitie*, C-465/07, 17 February 2009, www.refworld.org/docid/499aaee52.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.*"

C. Considerations Relating to the Application of an Internal Flight or Relocation Alternative (IFA/IRA)

A detailed analytical framework for assessing the availability of an internal flight or relocation alternative (IFA/IRA), also referred to as internal protection alternative,[713] 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*.[714]

An assessment of the possibility of relocation requires an assessment of the relevance as well as the reasonableness of the proposed IFA/IRA.[715] 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.[716]

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.[717]

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 (Section III.A), UNHCR's broader mandate criteria (Section III.B.1.a), and the Cartagena Declaration (Section III.B.1.c). The guidance provided in this Section also applies to internal protection assessments under Article 8 of the Qualification Directive.[718] The consideration of possible internal relocation is not generally relevant to the determination of refugee status under Article I(2) of the OAU Convention (Section III.B.1.b).[719]

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713 European Union, *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/4f06fa5e2.html, Article 8.

714 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*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html (hereafter: UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html).

715 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. 2011 Qualification Directive, Article 8.

716 UNHCR, *Guidelines on International Protection 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.*"

717 UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 6.

718 European Union, *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, Article 8.

719 UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, 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.

1) Relevance Analysis

a) Areas of Iraq where an IFA/IRA is not available

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

UNHCR further considers that an IFA/IRA is not available in the disputed areas due to these areas' sensitive security, political and demographic dynamics and the risk of further destabilizing the situation through population movements, including in the Districts of Kirkuk, Khanaqin (Diyala Governorate) and Tuz Khurmatu (Salah Al-Din Governorate).[720]

b) 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.[721]
- In cases where the applicant has a well-founded fear of persecution at the hands of ISIS, the relevance of a proposed IFA/IRA must be assessed taking into account the profile of the individual and whether the persecutor (be it ISIS or another armed group) is both able and motivated to pursue the applicant in the proposed area of relocation. In addition, the evidence provided in Section II.E.3 needs to be taken into account regarding the limitations on the ability of the State to provide protection from human rights abuses at the hands of ISIS or other armed groups.
- 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 risk profiles 5b and c, 9, 10, 11 and 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 of the State to provide protection against such abuses (see Section II.E.3).

c) 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 considerations above relating 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. 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*

720 Kirkuk, Tuz Khurmatu and Khanaqin "*have experienced the worst turbulence in the past few years*"; ICG, *Reviving UN Mediation on Iraq's Disputed Internal Boundaries*, 14 December 2018, http://bit.ly/2JwD8IE, p. 3. See also Section II.A.3 ("*October 2017 Independence Referendum*").

721 UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, paras 7.I.b, 13-14.

therefore also need to take into account serious harm generally covered under [broader refugee criteria or] *complementary forms of protection*."[722]

The assessment must be based on up-to-date country of origin information, including in relation to the security situation in the proposed area of IFA/IRA.[723] For instance, in relation to persons originating from formerly ISIS-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 ISIS, including based on family or tribal affiliation (see Section III.A.1). Furthermore, single, widowed or divorced women without a genuine male support network may also face new risks of serious harm, including trafficking, exploitation and other abuse (see Section III.A.8).

d) Assessing where 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) – c), it would still need to be assessed whether the proposed area of IFA/IRA is practically, safely and legally accessible to the individual.[724] In the context of Iraq, this requirement entails an assessment of the concrete prospects of the individual being:

- **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 (ID card, nationality certificate or passport).[725] Depending on the individual's profile, including his/her religious/ethnic background, tribal affiliation, place of origin as well as gender and family composition, there may be additional access requirements such as obtaining a security clearance from concerned security agencies, and having a sponsor/guarantor.[726]
- **Permitted to take up residency in the proposed area of relocation**: Valid civil documentation is required in addition to a confirmation/recommendation letter from the *mukhtar* and/or the local council, depending on the area. Depending on the individual's profile, particularly his/her

722 *Ibid*., para. 20.

723 For an assessment of the security situation in different parts of the country at the time of writing, see Section II.B ("*Security Situation*").

724 UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 7.

725 On documentation, see also Section II.F ("*Humanitarian Situation*").

726 In the face of large-scale displacement of people due to ISIS' expansion and subsequent anti-ISIS military operations between 2014 and 2017, many local authorities introduced stringent entry and residency restrictions, including, among others, sponsorship requirements and, in some areas, near-complete entry bans for persons fleeing from ISIS-held or conflict areas, particularly Sunni Arabs. At the time of writing, security screenings remain in place for persons from formerly ISIS-held or conflict-affected areas. Access bans have been lifted while sponsorship requirements remain in place for entry to and residency in several governorates for persons from formerly ISIS-held areas. At the time of writing, persons from formerly ISIS-held or conflict-affected areas, particularly Sunni Arabs (including persons who returned to Iraq from a third country) require a sponsor for access to the following governorates:

- **Basrah, Dhi-Qar, Missan, Muthanna and Qadissiyah Governorates**: The sponsor must receive the individual at the governorate entry checkpoint in order to facilitate the entry. In case an individual entered the governorate without being checked, s/he needs to approach the concerned security branch for clearance, accompanied by the sponsor. Inability to secure a sponsor will likely result in the individual being denied access to the governorate, although security actors have a level of discretion to exceptionally grant access, depending on the profile of the person and their reasons for relocation
- **Dohuk Governorate**: Arabs from formerly ISIS-held or conflict-affected areas and Turkmen from Tal Afar (Ninewa Governorate) require a sponsor in order to enter, unless they obtain a temporary travel authorization from the checkpoint near Hatara village. This authorization is issued for short-term visits for medical or similar reasons.

No sponsor is required for entry to Baghdad, Babel, Diyala, Erbil, Kerbala, Kirkuk, Najef, Sulaymaniyah and Wassit Governorates. Sponsorship requirements in order to enter Erbil and Sulaymaniyah Governorates via air or at internal land borders have been lifted in early 2019; Information available to UNHCR, April 2019. This information is also available on Refworld at: UNHCR, *Iraq: Country of Origin Information on Access and Residency Requirements in Iraq: Ability of Persons Origination from Formerly ISIS-Held or Conflict-Affected Areas to Legally Access and Remain in Proposed Areas of Relocation*, 25 April 2019, https://www.refworld.org/docid/5cc2c30d7.html. Updated versions will be published on Refworld.

religious/ethnic background and place of origin, a security clearance and/or a sponsor/guarantor is required by the local authorities in several governorates in order to take up legal residency.[727]

- **Allowed to durably remain in the proposed area of relocation**: Against the background of increasing pressure exercised on persons from from formerly ISIS-held or conflict-affected areas to return to their areas of origin, it needs to be assessed whether the individual concerned will be able to durably remain in the proposed areas of relocation without coming under undue pressure to return to his/her area of origin.[728] Areas in which an individual may be pressured by local authorities or other actors to return to an area previously held by ISIS or otherwise affected by conflict[729] would not constitute a relevant internal flight alternative.

Access and residency requirements are reportedly not always clearly defined and/or implementation can vary or be subject to changes depending mostly on the security situation. Sponsorship requirements are generally not grounded in law nor are they officially announced.

Against this background, UNHCR considers that for Sunni Arabs and Sunni Turkmen from formerly ISIS-held or conflict-affected areas an IFA/IRA is generally not relevant in areas where the authorities maintain access and residency requirements and/or where there is pressure on persons from formerly ISIS-held or conflict-affected areas to return to their areas of origin.

The only exceptions would be for applicants of this profile 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.

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727 Depending on the area, persons from formerly ISIS-held or conflict-affected areas require a sponsor and/or a confirmation/recommendation letter from the *mukhtar* and/or the local council in order to take up legal residency. In addition, security clearance from relevant security agencies is needed in all areas. At the time of writing, UNHCR is aware of the following residency requirements in respect to persons from formerly ISIS-held or conflict-affected areas, particularly Sunni Arabs (including for persons who returned from Iraq from a third country):

- **Baghdad Governorate**: Persons from formerly ISIS-held or conflict-affected areas require two sponsors from the neighbourhood in which they intend to reside as well as a support letter from the local *mukhtar*.
- **Dohuk Governorate**: Arabs from formerly ISIS-held or conflict-affected areas and Turkmen from Tal Afar (Ninewa Governorate) must regularize their stay by obtaining the approval from the local *Asayish*, based on which they obtain a residency permit. When approaching the Asayish, the individual must be accompanied by the sponsor who had facilitated his/her entry into Dohuk.
- **Diyala Governorate**: With the exception of Khanaqin District, persons from formerly ISIS-held or conflict-affected areas require a sponsor from the neighbourhood in which they intend to reside as well as a support letter from the local *mukhtar*. In Khanaqin District, letters from three entities are required (mukhtar's office, National Security, and Intelligence).
- **Kirkuk city**: Following the re-establishment of central government control on 16 October 2017, sponsorship requirements have been lifted. Persons from formerly ISIS-held or conflict-affected areas require a support letter from the local *mukhtar* in the neighbourhood in which they intend to reside.
- **Southern Governorates**: Persons from formerly ISIS-held or conflict-affected areas require a local sponsor as well as a support letter from the local *mukhtar* in order to legally reside in Babel, Basra, Dhi-Qar, Kerbala, Missan, Muthanna, Najef, Qadissiyah and Wassit Governorates.

In **Erbil and Sulaymaniyah Governorates,** persons 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. They do not require a sponsor. Single Arab and Turkmen men, however, require regular employment and must submit a support letter from their employer in order to obtain a one-year, renewable residency card. Those without regular employment receive only a one-month renewable residency card. Holders of a one-month residency card face difficulties in finding regular employment due to the short duration of their permits; Information available to UNHCR, April 2019. This information is also available on Refworld at: UNHCR, *Iraq: Country of Origin Information on Access and Residency Requirements in Iraq: Ability of Persons Origination from Formerly ISIS-Held or Conflict-Affected Areas to Legally Access and Remain in Proposed Areas of Relocation*, 25 April 2019, https://www.refworld.org/docid/5cc2c30d7.html. Updated versions will be published on Refworld.

728 "*The proposed area is also not an internal flight or relocation alternative if the conditions there are such that the claimant may be compelled to go back to the original area of persecution, or indeed to another part of the country where persecution or other forms of serious harm may be a possibility*"; UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 21.

729 See Section II.D.b ("*Forced and Premature Returns*").

2) 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, gender, health, disability, family situation and relationships, as well as their educational and professional background.[730] 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.

Ties to an ethnic and/or religious community and existing tribal and family links in the area of relocation are crucial when assessing the availability of an IFA/IRA, as these generally ensure a certain level of community protection, as well as access to services and employment.[731] This is true for cities, but even more so for semi-urban and rural areas, where newcomers without such links may be discriminated against. 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.[732]

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.[733] Adjudicators need to give due consideration to the fact that what is considered merely inconvenient for adults may constitute undue hardship for a child. In the case of unaccompanied and separated children from Iraq, the best interests of the child must be a primary consideration in assessing the availability of an IFA/IRA for the child, in accordance with Article 3(1) of the Convention on the Rights of the Child.[734] UNHCR considers that a minimal

730 UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, paras 25-26.

731 "*The majority of IDPs report **borrowing money from family**, and the share reaches 78 per cent in Sulaymaniyah and 63 per cent in Baghdad. Borrowing money is not the only time IDPs look to their immediate networks for help while in displacement. A plurality of those in Baghdad (43%) and significant majorities of those in Basrah (81%), Sulaymaniyah (75%), and Kirkuk (63%) **rely on relatives and friends to access jobs**. These findings suggest that **the burden of displacement continues to fall primarily on the extended family networks of those displaced***" (emphasis added); Georgetown University/IOM, *Access to Durable Solutions Among IDPs in Iraq: Three Years in Displacement*, 12 February 2019, http://bit.ly/2H7ozZQ, p. 32. "*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 2019 – Iraq*, 4 February 2019, www.ecoi.net/en/document/2002613.html. Gaps in state provision of basic services are reported to be filled, to some extent, by the provision of services by non-state actors such as PMF groups. However, "[E]*quity of access deteriorates because services are conditional – who and to what extent one gets covered is contingent upon sectarian affiliation, connections, or political activism*"; KAS, *Alternative Governance – Non-State Armed Groups and the Iraqi Reconstruction Process*, Research Paper No. 3, June 2018, http://bit.ly/2X0wkFS, p. 22. Christian IDPs are reported to have received financial and material assistance from the church and faith-based organizations. However, such assistance is reported to be declining among other reasons because the focus has shifted towards rebuilding formerly ISIS-held areas; see e.g. Rudaw, *Archbishop of Erbil: Iraq's Christians Need to Thrive, not just Survive*, 13 March 2019, http://bit.ly/2CprDN7; Rudaw, *Christian IDPs Sheltering above Erbil Bazaar Threatened with Eviction*, 5 March 2019, https://bit.ly/2H8KSyz; International Republican Institute, *Social and Political Perspectives of Iraqi IDPs from Ninewa and Their Host Communities – A Focus Group and Key Informant Interview Study in Iraq, April - May 2018*, 5 September 2018, http://bit.ly/2UHmCXj, p. 3.

732 On minorities' reported lack of strong political or tribal networks and political and economic marginalization, see Section III.A.5.a ("*Members of Religious and Minority Ethnic Groups*").

733 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.

734 UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, U.N.T.S. 1577, p. 3, www.refworld.org/docid/3ae6b38f0.html, Article 3(1); CRC, *General Comment No. 14 (2013) on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration (Art. 3, Para. 1)*, 29 May 2013, CRC/C/GC/14, www.refworld.org/docid/51a84b5e4.html, paras 75-76.

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.

UNHCR considers that in the case of persons with specific needs, including persons with disabilities and elderly persons, a proposed area of IFA/IRA would only be reasonable if the applicant has access to a support network in that area consisting of members of their (extended) family or tribe, who are willing and able to provide durable support to meet the person's identified needs in a sustainable – and where necessary permanent – manner.[735]

In light of the serious human rights situation for women, as well as social and religious norms that restrict women's freedom of movement and the generally low employment rates for women,[736] UNHCR considers that an IFA/IRA is not reasonable for women, who do not or who are perceived not to have male protection through members of their family, including female heads of household.

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.[737] These conditions must be durable, not illusory or unpredictable.[738] In this regard, the volatility and fluidity of the security situation in Iraq must be taken into consideration. Information presented in Sections II.B and II.C of these Guidelines and reliable, up-to-date information about the security situation in the proposed area of relocation would be important elements in assessing the reasonableness of a proposed IFA/IRA.

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.[739] 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, elderly applicants or applicants with disabilities), proven and sustainable support to enable access to an adequate standard of living.

In relation to (i) – (iii) above, in the specific context of Iraq the importance of the availability and access to social networks, consisting of the applicant's family, extended family or tribe, has been widely documented.[740] In this regard, the presence of members of the extended family or the same tribe as the applicant in the proposed area of relocation 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 family, extended family or tribe 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

735 See Section II.F ("*Humanitarian Situation*").
736 See Section II.F.2 ("*Livelihoods*") and III.A.8 ("*Women and Girls with Certain Profiles or in Specific Circumstances*").
737 UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative"*, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 27.
738 *Ibid*.
739 *Ibid*., paras 28-30.
740 See above footnote 731.

humanitarian situation, the low developmental indicators, and the wider economic constraints affecting large segments of the population.

Against this background, UNHCR considers that a proposed IFA/IRA is reasonable only where the individual has access to (i) shelter, (ii) essential services such as sanitation, health care and education; and (iii) livelihood opportunities or proven and sustainable support to enable access to an adequate standard of living. 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 family, 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 economic and humanitarian conditions in many parts of the country,[741] especially in areas hosting large numbers of IDPs or returnees,[742] (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 re-establishing their lives following return from displacement, would generally not be considered as being able to support the individual.

In relation to **Baghdad city**, UNHCR considers that the only exception to the requirement of external support are Arab Shi'ite and Arab Sunni single able-bodied men and married couples of working age without children and without identified specific vulnerabilities as described above. Depending on the individual circumstances (see above, "The Applicant's Personal Circumstances"), such persons may be able to subsist without family and/or tribal support in Baghdad city.

In relation to **urban areas of southern Iraq**, UNHCR considers that the only exception to the requirement of external support are single able-bodied men and married couples of working age without children and without identified specific vulnerabilities as described above and who are Shi'ite Arabs. Depending on the individual circumstances (see above, "The Applicant's Personal Circumstances"), such persons may be able to subsist without family and/or tribal support in urban areas of southern Iraq that have the necessary infrastructure and livelihood opportunities to meet the basic necessities of life.

In all cases the applicant must be given an adequate opportunity to respond to the purported reasonableness of proposed IFA/IRA.[743]

3) Internal Flight or Relocation Alternative in the KR-I

a) The Reasonableness of the KR-I as an IFA/IRA

To assess whether the KR-I provides a reasonable IFA/IRA, it must be considered by decision-makers that there are serious concerns about the limits of the region's absorption capacity in light of the continued high numbers of displaced populations present in the region (more than 40 per cent of the total 1.7 million IDPs in Iraq and nearly all of the 250,000 Syrian refugees),[744] and against the backdrop

741 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 internal flight alternative, particularly in areas with high numbers of IDPs. Factors to be considered include in particular competition over access to livelihoods, shelter, and basic services. See Section II.F ("*Humanitarian Situation*").

742 See Section II.D ("*Forced Displacement and Returns*").

743 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*, HCR/GIP/03/04, 23 July 2003, www.refworld.org/docid/3f2791a44.html, para. 6.

744 The KR-I, with an estimated total population of over five million people, continues to host close to 700,000 IDPs and 250,000 Syrian refugees. Some 1.2 million people, including IDPs, refugees, returnees and vulnerable host communities are considered to be in need of humanitarian assistance. Funding constraints mean that of these, fewer than half (500,000) are targeted for humanitarian assistance in 2019. In all three governorates, there are districts with high or very high humanitarian needs, including Sumel and Zakho (Dohuk Governorate), Makhmour (Erbil Governorate) and Sulaymaniyah (Sulaymaniyah Governorate). The severity of needs in Erbil District is assessed to be moderate, however, it hosts the highest number of people in need in all of the KR-I (approximately 321,000 people, including a third of all refugees). The majority of IDPs currently in camps in the KR-I do not intend to return to their areas of origin in the foreseeable future, which may result in further strains on already stretched resources;

of deteriorating socio-economic conditions and increasing poverty in the KR-I[745] and limited (and decreasing) humanitarian assistance, particularly outside of displacement camps.[746] The presence of large numbers of displaced populations mainly in and around urban areas is reported to have stretched local services and infrastructure, increased job competition, and contributed to a significant decline in living standards across the KR-I.[747]

IDPs in the KR-I are reported to face difficulties in accessing employment and many can only find casual work,[748] leaving them without a regular income.[749] IDPs find it difficult to find jobs that would enable

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OCHA, *Iraq: Humanitarian Response Plan January – December 2019*, 26 February 2019, https://bit.ly/2TyIbMb, pp. 2, 12, 13, 33, 34. UNFPA/IOM, *Demographic Survey: Kurdistan Region of Iraq*, 13 September 2018, https://bit.ly/2NXvPeV, p. 14. "*The Kurdistan Regional Government (KRG) has borne the brunt of the influx of millions of refugees and displaced persons, often relying on its own finances to provide shelter and other basic needs for them. One in four current residents of the Kurdistan Region is either an internally displaced person (IDP) or a refugee*"; Kurdistan 24, *Access to Employment Greatest Concern for Iraq's Displaced: IOM*, 4 January 2019, https://bit.ly/2NKlDTG. See also Sections II.D.1 ("*Internal Displacement*") and II.F ("*Humanitarian Situation*").

745 "*Continued low oil prices have led to budget deficits which have forced the KRG to reduce many government programs*"; Bertelsmann Foundation, *BTI 2018 Country Report – Iraq*, 2018, www.ecoi.net/en/file/local/1427413/488298_en.pdf, p. 9. The poverty level in the KR-I, although still lower than in other parts of the country, has risen from 3.5 per cent in 2012 to 12.5 per cent since the beginning of the conflict against ISIS. The unemployment rate is reported to have increased from 6.5 per cent before 2014 to 14 per cent in 2016, due to the influx of IDPs and refugees; World Bank, *Iraq Economic Monitor – Toward Reconstruction, Economic Recovery and Fostering Social Cohesion*, Fall 2018, http://bit.ly/2UDpN2a, pp. 9, 15. See also Section II.F.2 ("*Livelihoods*").

746 "*IDPs outside of camps do not enjoy the same level of support from humanitarian partners as those in camps, and largely rely on the generosity of host communities*"; OCHA, Iraq: *"Internally Displaced Persons Must Be Presented with Options Beyond Life in a Camp" – Humanitarian Coordinator*, 4 March 2019, https://bit.ly/2IOnO9W. "*IDPs do not feel that the support they receive will enable them to live without aid in the future, with Yazidis and IDPs living in private housing in urban areas appearing particularly pessimistic. Most consider the existing support insufficient and mention the lack of job opportunities as reasons for their continued reliance on support*"; Mixed Migration Platform, *IDP Perceptions in Northern Iraq*, 27 April 2017, https://bit.ly/2zuF3pK, pp. 3, 4. Humanitarian agencies report that funding has become more limited, whether due to donor fatigue or because donor attention turns from humanitarian assistance to reconstruction following ISIS' military defeat; Kurdistan Regional Government, *Kurdistan Region still Hosts about 1.5 Million IDPs and Refugees*, 14 February 2019, http://bit.ly/2UIRcQa; Rudaw, *IDP Camps in Duhok still Need Help amid Decreasing NGO Assistance*, 11 February 2019, https://bit.ly/2EQlWcx; The New Humanitarian, *As Displacement Runs to Years, Northern Iraq Camps Need an Overhaul*, 25 February 2019, https://bit.ly/2Xpg1SY; The New Humanitarian, *As Iraq Slips from the Headlines, Humanitarians Worry that Aid Donors Are Beginning to Lose Interest*, 2 August 2018, https://bit.ly/2XFZ4UE; Deutsche Welle, *Iraq Urges Billions for Reconstruction amid Donor Fatigue*, 12 February 2018, https://bit.ly/2Tlr2Xd.

747 OCHA, *Iraq: 2018 Humanitarian Response Plan (February 2018)*, 21 March 2018, https://bit.ly/2Jiwv7P, p. 32. "*Iraqi residents reported challenges in job competition due to the influx of Syrian refugees (and Iraqi IDPs)*"; DRC/NRC/IRC/Impact Initiatives, *Far From Home: Future Prospects for Syrian Refugees in Iraq*, 8 January 2019, https://bit.ly/2IQEkGd, p. 7. "*In the Kurdistan Region of Iraq (KRI), limited resources, services and livelihoods opportunities, which are already stretched due to the global reduction in oil prices, decrease in domestic and foreign investment, government salary cuts and the military effort against Islamic State in Iraq and Levant (ISIL) greatly limited the capacity of local communities and authorities to adequately respond to the continued influx of IDPs and Syrian refugees facing protracted displacement.*" And further: "*The presence of IDPs and refugees in need of accessing the job market creates significant competition among the different target groups and causes social frictions in many areas*"; Action Against Hunger, *Creating Job Opportunities for Young Adults in Kurdistan – Final Independent Evaluatio*n, September 2018, https://bit.ly/2NIf5rV, pp. 8, 39. "*Syrian refugees and IDPs today constitute about 23 per cent of the Kurdistan population. This entails a strain on employment and livelihood opportunities, as well as on services. Increased competition for housing outside the camps drove up costs and led to overcrowding and resorting to substandard accommodations*"; Migration Policy Centre, *Profile Iraq*, undated, accessed 30 April 2019, https://bit.ly/2IRIptR. See also, ACTED, *Municipal Services under Pressure as IDPs Flock to Dohuk*, 10 October 2018, https://bit.ly/2C4KEUX.

748 In the KR-I nearly 50 per cent of IDPs living outside of camps and around 40 per cent of those settled in camps rely on daily labour (this compares to 20 per cent among the KR-I non-camp population). Over 40 per cent of camp households are also dependent on humanitarian assistance or support from charities; UNFPA/IOM, *Demographic Survey: Kurdistan Region of Iraq*, September 2018, https://bit.ly/2NXvPeV, pp. 40, 45-46. See also, IOM, *Integrated Location Assessment III*, 2 January 2019, https://bit.ly/2SJpReW, p. 36.

749 According to the 2019 Humanitarian Needs Overview, the governorates in the KR-I have some of the highest rates of unemployed IDPs seeking work among the IDP-hosting governorates not directly affected by conflict (Dohuk Governorate: 41 per cent of out-of-camp IDPs and 29 per cent of in-camp IDPs, respectively; Erbil Governorate: 24 and 38 per cent; and Sulaymaniyah Governorate: 10 and 21 per cent); OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 51. According to Hoshang Muhammad, Director-General of the KRG Ministry of Interior's Joint Crisis Coordination Centre, "[F]*ew IDPs and refugees earn incomes. While some IDPs are current or retired civil servants receiving monthly compensation from the Iraqi government, 65 percent of IDPs and refugees depend on assistance from KRG, UN agencies, and NGOs*"; KRG, *Kurdistan Region still Hosts about 1.5 Million IDPs and Refugees*, 14 February 2019, http://bit.ly/2UIRcQa. Many IDPs are reported to have lost hope of finding employment (nearly half of the male IDPs in camps

them to cover their basic costs of living, including medical care, education fees and housing.[750] Arab IDPs are also reported to face difficulties in finding jobs due to negative perceptions and language barriers.[751] IDPs living outside of camps may find it difficult to compete with those in camps where living costs are lower, allowing them to accept lower wages.[752] The public sector, which plays a dominant role in the KR-I economy,[753] is generally not open for non-Kurds from outside the region.[754] Patronage and nepotism continue to be important factors in securing employment in the KR-I, which puts those not originating from the area at a disadvantage.[755] In light of limited livelihood opportunities, IDP households have been increasingly reliant on negative coping strategies in order to meet their basic needs, including incurring debts, child marriage and forced marriage, sending children to work and reducing food intake.[756]

Inability to access employment/livelihoods often translates into difficulties to accessing food, health services and shelter.[757] As rent levels in the KR-I are relatively high and increasing,[758] many IDPs cannot

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and over one-third outside of camps); UNFPA/IOM, *Demographic Survey: Kurdistan Region of Iraq*, 13 September 2018, https://bit.ly/2NXvPeV, pp. 42-43. See also, IOM, *Integrated Location Assessment III*, 2 January 2019, https://bit.ly/2SJpReW, p. 35.

750 IDPs in the KR-I are more likely to be among the lower-income households: over 80 per cent of households settled in camps and nearly 45 per cent of those living outside camps have a monthly income of less than 500,000 IQD per month (compared to 35 per cent among the non-camp KR-I); UNFPA/IOM, *Demographic Survey: Kurdistan Region of Iraq*, 13 September 2018, https://bit.ly/2NXvPeV, p. 44. "*The impact of the economic crisis is severely felt in camps because of a lack of jobs outside the camp both for men and women reduced household incomes and peoples' purchasing ability. All the female participants who are/were running shops or beauty salons said their income has declined significantly since the start of the economic crisis*"; LSE, *Displacement and Women's Empowerment: Voices of Displaced Women in the Kurdistan Region of Iraq*, 4 March 2018, https://bit.ly/2MZrvq0, p. 17.

751 Michiel Leezenberg, *Iraqi Kurdistan: A Porous Political Space*, Anatoli, Vol. 8, pp. 107-131, October 2017, http://bit.ly/2UJEdho; DRC/UNDP/UNHCR, *A Study of the Opportunities in Labour Markets for IDPs and Refugees in KRI Construction Labour and Service-Sector Labour Market Systems*, December 2014, https://bit.ly/2UprErq, p. 7.

752 DRC/UNDP/UNHCR, *A Study of the Opportunities in Labour Markets for IDPs and Refugees in KRI Construction Labour and Service-Sector Labour Market Systems*, December 2014, https://bit.ly/2UprErq, p. 7.

753 "*The public sector employs nearly half of the working population and as much as 75% of working women*"; UNFPA/IOM, *Demographic Survey: Kurdistan Region of Iraq*, September 2018, https://bit.ly/2NXvPeV, pp. 4, 40.

754 In the KR-I, non-Kurds cannot work in the public sector unless it is for the institutions of the central government. Some IDPs were able to transfer their employment to these bodies and received their salaries from the central government. Others managed to find employment because of their Arabic language skills in the largely Kurdish-speaking KR-I; Georgetown University/IOM, *Access to Durable Solutions Among IDPs in Iraq: Three Years in Displacement*, 12 February 2019, http://bit.ly/2H7ozZQ, p. 25. See also footnote 158 concerning instructions given to central government employees to return to their areas of origin to resume their employment.

755 For example, "(…) *presidents of universities, deans of colleges, and heads of departments and even school managers in Hawler (Erbil) and Duhok provinces are either employed by, or are members of KDP; and in Sulaimani and Halabja provinces they are mostly hired by PUK*"; Open Democracy, *Corruption Corrodes Kurdish Education*, 15 October 2018, https://bit.ly/2Umst4c. "*About one fifth of interviewees perceive wasta* [a term referring to connections, favoritism, nepotism] *as a key hindrance to obtaining livelihood opportunities, especially in the camps*"; LSE, *Displacement and Women's Empowerment: Voices of Displaced Women in the Kurdistan Region of Iraq*, 4 March 2018, https://bit.ly/2MZrvq0, p. 17. According to reports, finding work in the informal sector often requires connections: "*Informal job searching is by far the main recruitment mechanism. Employers generally turn first to their friends and families and advertising job openings is not a common practice, therefore making the recruitment system a non-transparent*"; DRC/UNDP/UNHCR, *A Study of the Opportunities in Labour Markets for IDPs and Refugees in KRI Construction Labour and Service-Sector Labour Market Systems*, December 2014, https://bit.ly/2UprErq, p. 7. See also footnotes 276 and 731.

756 "*Soaring levels of household debt were particularly high among non-displaced, returnee, and out-of-camp IDP households and among households in* ***Erbil****, Anbar, Kirkuk, Ninewa,* ***Dahuk****, and Salah al-Din Governorates.*" And further: "*Conflict-affected households in Erbil reported an average of more than 3,000,000 IQD of debt (roughly 2,500 USD)* [the highest among all governorates]" (emphasis added); REACH, *Multi-Cluster Needs Assessment (MCNA) – In-Camp IDPs*, September 2018, https://bit.ly/2CWipsP, pp. 5, 35. See also, OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, p. 4.

757 IOM, *Integrated Location Assessment III*, 2 January 2019, https://bit.ly/2SJpReW, pp. 34, 38; OCHA, *Iraq: Humanitarian Needs Overview 2019 (November 2018)*, 16 December 2018, https://bit.ly/2ClZSWd, p. 51.

758 "*In areas of displacement – especially the northern governorates which host a large proportion of IDPs – rent prices are increasing, negatively affecting IDPs, host communities and returnees*"; OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, p. 8. "*Housing prices increased by 20 percent in 2018 in the Kurdistan Region, while rent has gone up by 15, with even higher prices predicted"*; Rudaw, *Housing, Rent Prices Increasing in Kurdistan Region*, 8 January 2019, https://bit.ly/2Vz1VwH. "*Increased competition for housing outside the camps drove up costs and led to overcrowding and resorting to substandard accommodations*"; Migration Policy Centre, *Profile Iraq*, undated, accessed 30 April 2019, https://bit.ly/2IRIptR. See also Section II.F.1 ("*Shelter*").

afford the rising costs and are at risk of eviction and/or are forced to relocate to IDP camps. However, admission to camps is subject to space limitations and therefore regulated by waiting lists.[759] Those living in critical shelter arrangements such as unfinished or abandoned buildings are often faced with no or limited access to adequate water, electricity, heating and sanitation, and exposed to harsh weather conditions, e.g. as a result of leaking roofs, opening in the walls, and broken windows.[760]

There are not enough schools in the KR-I to cover the educational needs of all IDPs,[761] while Arabic schools, established in response to the influx of mostly Arabic-speaking IDPs into the KR-I since 2014, are set to close according to a decision by the Iraqi Ministry of Education.[762] According to information available to UNHCR, school closures are expected for the academic year 2019/2020.[763] UNHCR received information that along with the decision to close Arabic schools in the KR-I, 1,800 IDP teachers have been formally requested by the central Government to return to their areas of origin.[764] Transfers of Arabic-speaking IDP children to Kurdish schools are generally not possible, particularly for older children due to differences in language (Kurdish vs. Arabic) and curriculum.[765]

Against this background, UNHCR considers that an IFA/IRA is generally not reasonable in the KR-I. The only exceptions would be for applicants for whom it can be established that, based on the individual circumstances of their case, they would have access to:

(i) Adequate shelter in the proposed area of relocation in the KR-I, noting that IDP camps or informal settlements would not qualify as "adequate shelter";

(ii) Access to essential services in the proposed area of relocation in the KR-I, 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, elderly applicants or applicants with disabilities), proven and sustainable support to enable access to an adequate standard of living.

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759 At the time of writing, around 3,000 individuals were waiting for admission to an IDP camp in Erbil (2,200 persons) and Dohuk Governorates (780 individuals). In Dohuk Governorate, the highest demand is for admission to Yezidi-populated camps; UNHCR information, April 2019. Moreover, "[I]*n many camps, tents are worn-out, water and sanitation services need to be increased, access to health and education services needs to be improved and livelihood programmes need to be expanded*"; OCHA, *HRP 2019*, 26 February 2019, https://bit.ly/2TyIbMb, p. 34.

760 UNHCR/CCCM Cluster/REACH, *Informal Site Assessment Dahuk Governorate (August 2018)*, 31 August 2018, https://bit.ly/2NWekZb; *ibid*., *Informal Site Assessment Sulaymaniyah Governorate (August 2018)*, 31 August 2018, https://bit.ly/2tSS7BS. See also, IOM/CCCM Cluster/REACH, *Assessment of Informal IDP Sites in Iraq (June 2017)*, 30 June 2017, https://bit.ly/2SQH5qM. See Section II.F.1 ("*Shelter*").

761 School attendance among IDP children is low: half of in-camp children and more than a third of out-of-camp children were not attending school at the time of a survey conducted in 2018. In addition, nearly 30 per cent of IDP children settled in camps never attended school; UNFPA/IOM, *Demographic Survey: Kurdistan Region of Iraq*, 13 September 2018, https://bit.ly/2NXvPeV, p. 35. In Sulaymaniyah, "*many IDP schools have only one or two teachers who receive a salary from the government; other teachers are supported directly by IDP families through the collection of monthly economic 'incentives,' which has financial and protection implications for IDPs. In 12 out-of-camp schools, IDP parents also pay the rent for the school building because it is not a government-owned facility. Such circumstances are one of the consequences of protracted displacement, as host communities try to contend with unexpected population increases*"; OCHA, *Iraq: "Internally Displaced Persons Must Be Presented with Options Beyond Life in a Camp" – Humanitarian Coordinator*, 4 March 2019, https://bit.ly/2IOnO9W. "*MRG's sources indicate that many Christians and Yezidis have been quitting even temporary schools due to a different education environment, whereas IDPs from Sinjar have reported difficulties in adapting to the KRI curriculum, as schools in Sinjar pre-ISIS used to follow the Arabic curriculum of the GoI*"; MRGI, *Alternative Report to the Committee on the Elimination of Racial Discrimination (CERD) – Review of the Periodic Report of Iraq*, http://bit.ly/2VKsoYo, para. 29.

762 Rudaw, *With Thousands of Iraqi IDPs Some Families Want to Stay in Erbil*, 8 October 2018, https://bit.ly/2HdvAaM; Rudaw, *As School Starts Displaced Iraqi Students Left in Limbo in Kurdistan*, 2 September 2018, https://bit.ly/2TfjHbD; Rudaw, *Iraqi Teachers Condemn Baghdad Decision to Shut Down IDP Schools*, 23 July 2018, https://bit.ly/2Rdh9oR. IDPs in Sulaymaniyah Governorate reported that school closures and shortages in teachers were among the reasons influencing their decision to return to their areas of origin; UNHCR, *Iraq Protection Update – December 2018*, 31 December 2018, https://bit.ly/2C9D9vI, p. 2. See also Section II.D.3.b ("*Forced and Premature Returns*").

763 UNHCR information, April 2019.

764 UNHCR, April 2019. See also, UNHCR, *Iraq Protection Update – December 2018*, 31 December 2018, https://bit.ly/2C9D9vI, p. 2; UNHCR, *Iraq Protection Update – October 2018*, 31 October 2018, https://bit.ly/2EsI91v, p. 2; Rudaw, *Iraqi Teachers Condemn Baghdad Decision to Shut Down IDP Schools*, 23 July 2018, https://bit.ly/2Rdh9oR.

765 UNHCR information, April 2019.

b) Conclusion on the Availability of an IFA/IRA in the KR-I

UNHCR considers that given the current humanitarian situation in the KR-I, an IFA/IRA is generally not available.

D. Exclusion Considerations

In light of the serious human rights abuses and violations of IHL 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.[766]

Potential exclusion due to involvement in the commission of war crimes[767] in situations of both international[768] and non-international armed conflicts,[769] genocide,[770] crimes against humanity,[771] and

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766 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*, HCR/GIP/03/05, 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.

767 War crimes are serious violations of IHL, which entail individual responsibility directly under international law. The applicable rules of IHL 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 IHL (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 IHL applicable to non-international armed conflicts could be considered to entail criminal responsibility under customary international law; see *Prosecutor v. Dusko Tadic aka "Dule", Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction*, IT-94-1, 2 October 1995, www.refworld.org/docid/47fdfb520.html, para. 134. Serious violations of the aforementioned rules of IHL 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)].

768 Since 1979, Iraq went through various periods of international armed conflict, including:
- 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.

769 Since Iraq has gone through multiple phases of non-international armed conflict, with acts committed that may give rise to exclusion under Art. 1F. The conflict between the ISF, affiliated forces and the Kurdish security forces, and with support from a broad international coalition on the one hand, and ISIS on the other hand has been ongoing since 2014; see Geneva Academy of International Humanitarian Law and Human Rights, *Non-International Armed Conflicts in Iraq*, last updated 14 April 2019, https://bit.ly/2SOb1rN; UNAMI, *Report on Human Rights in Iraq: July to December 2017*, 8 July 2018, www.refworld.org/docid/5b6afc544.html, p. *vi*.

770 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 ISIS against the Yazidi religious minority 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*"; MRGI, *UK Parliamentary Recognition of Kurdish Genocide in Iraq: What this Means for Minority Groups Today*, 13 March 2013, https://go.shr.lc/2DF1lG; HRW, *Genocide in Iraq: The Anfal Campaign Against the Kurds*, July 1993, https://www.refworld.org/docid/47fdfb1d0.html. See also Section III.A.5.a (*"Members of Religious and Minority Ethnic Groups"*).

771 Article 1F(a) of the 1951 Convention. It is widely accepted that crimes against humanity were committed throughout the former regime (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,UNCHR,,IRQ,,,0.html. Acts committed by ISIS between 2014 and 2017 may also amount to crimes against humanity; see Section II.E.2.a ("*Human Rights Abuses by ISIS*").

serious non-political crimes[772] 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 principles of the United Nations.[773] Acts reportedly committed by the parties to the 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.[774]

In the context of Iraq, careful consideration needs to be given in particular to the following profiles:[775]

(i) (Former) members of ISIS (since 2013);

(ii) (Former) members of predecessor groups of ISIS, 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 affiliated forces (since 2003);

772 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 773.

773 Article 1F(c) of the 1951 Constitution. 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 al-Sirri (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.

774 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*, HCR/GIP/03/05, 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.

775 This list reflects the predominant actors active in Iraq at given times and is not to be considered exhaustive.

(iv) (Former) members of the KRG armed forces and the security/intelligence apparatus (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 regime (1979-2003).

IV. Position on Forced Returns

In light of widespread destruction and damage to homes, basic infrastructure and agricultural lands, limited access to livelihoods and basic services, the contamination of homes and lands with ERW, ongoing community tensions, including reprisal acts against civilians perceived to be supporting ISIS, as well as localized insecurity, UNHCR urges States to refrain from forcibly returning persons who originate from areas previously controlled by ISIS or areas with a continued ISIS presence 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 to 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. This guidance pertains to individuals who have been found not to be in need of international refugee protection.

UNHCR, the UN Refugee Agency

International Protection Considerations with Regard to People Fleeing the Republic of Iraq

May 2019

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