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COI QUERY

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 11 November 2021. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE - Iraq

Care system for orphaned children in the Kurdistan Region of Iraq (KRI)

1. Care system for orphaned children in the KRI by government institutions and NGOs

Information on the care system for orphaned children in the Kurdistan Region of Iraq (KRI) by government institutions, support network and NGOs between 2020-2021, was scarce among the sources consulted by EASO within time constraints. However, the following information may be relevant.

Government Institutions

According to a 2005 research paper, the institutional state-run care system for orphaned children has been established in the KRI since the 1950s, in the context of the formation by the Iraqi government of an orphan care system. Any orphaned child can be admitted in state-run orphanages under the condition that there is an available place and that the caregiver applies for admission. The same source reported that:

‘traditional foster care in the Kurdish society is defined as a voluntary care of any orphaned child within a usual family either among the relatives, which is the most common type, or a non-relative family in the region. It is based on the traditional authoritative family system in Kurdistan that allows the orphaned child to be integrated in the foster family’.¹

According to a report submitted by the government of Iraq to the United Nations Human Rights Council (UNHRC) in 2019

‘In Kurdistan Region, national laws and policies have been drafted to protect children’s rights, and the Child Protection Committee has begun to operate. A number of institutions under the Ministry of Labour and Social Affairs also have responsibilities in this area, such as the State-run homes for adolescents, which provide shelter for child beggars, and the autism centre, which provides education as well as physical and mental rehabilitation for children with special needs’.²

Although no specific data on the number of orphans in the KRI could be found, it has been reported that the ISIS attacks on Yazidi communities left 2 745 children as orphans.³ In 2019, Juveen, an orphanage with capacity of 30 residents, was set up in the town of Sharia in Dohuk province to accommodate Yazidi children whose parents were killed by Islamic State.⁴

On 14 June 2021, Mayson al-Sa’adi, head of the Parliamentary Committee on Women, Family, and Childhood in Iraq informed ‘that the draft law on the protection of children issued by the Ministry of

¹ A. Ahmad et al., A 2-year follow-up of orphans’ competence, socioemotional problems and post-traumatic stress symptoms in traditional foster care and orphanages in Iraqi Kurdistan, 16 February 2005, [url](#)

² UNHRC, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 [A/HRC/WG.6/34/IRQ/1], 22 August 2021, [url](#), para. 199

³ USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#); RUDAW, Yazidi children held by ISIS return from Turkey with KRG delegation, 4 September 2020, [url](#)

⁴ RUDAW, Duhok orphanage shelters Yazidi children orphaned by ISIS, 29 August 2019, [url](#)

Labour and Social Affairs reached the State Council and then to the Council of Ministers, and it was voted on.’ She further added that the new draft includes a special article to change the term ‘foundling child’ and use a legal term that preserves the rights of the child.⁵

Additional information on the situation of orphans in Iraq can be found in the EASO COI report on [Iraq - Key socio-economic indicators \(February 2019\)](#).

Non-Governmental Organisations (NGOs)

The STEP, a child protection charity working alongside young people and their families in KRI, reported that in 2015 it signed a memorandum of understanding with the Minister of Labour and Social Affairs to pilot foster care in our location. Following this, the Ministry established a Foster Family Unit and appointed government employed social workers and administration staff.⁶

On 11 June 2020, the United Nations International Children's Emergency Fund (UNICEF) in Iraq, announced that, in collaboration with the Iraqi government, it was working on a monitoring system for child labour, especially among the most vulnerable children such as refugees and the internally displaced, the differently abled, poor children and orphans and that this project would focus on the governorates of Ninewa and Dohuk ‘where the number of refugee and displaced children is notably high’.⁷

The Barzani Charity Foundation, a non-governmental organisation based in Erbil, through its project ‘Care for the Precious Ones’ delivered more than 13 million USD in financial aid during the month of Ramadan (April- May 2021) to more than 15,000 orphaned children throughout the Kurdistan Region.⁸ The Polish Charity STOWARZYSZENIE SOLIDARNOSCI GLOBALNEJ in collaboration with the BCF provided cash assistance for orphans on 19 July 2021, in Erbil the capital of the Kurdistan Region of Iraq.⁹

Kurdistan Save the Children/Kurdistan Children’s Fund (KSC/KCF) have run a Distant Sponsorship program since 1991, providing support to orphans, children from one-parent families and children whose fathers are disabled to the extent that they cannot work. The money the children receive from their sponsors goes to support their basic needs of clothes, food and hygienics, as well as pay for their education.¹⁰

2. Situation of IDPs and returned unaccompanied minors in the KRI

Information regarding the situation of orphaned children returning to the KRI was scarce among the sources consulted by EASO within time constraints. However, the following information may be relevant.

According to Article 44 of the 2005 Iraqi Constitution ‘First: Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq. Second: No Iraqi may be exiled, displaced, or deprived from returning to the homeland.’¹¹ Moreover, according to section 6.9 of the 2008 Iraqi National Policy on Displacement, internally displaced people have ‘the right to return and rehabilitate

⁵ North Press Agency, Iraqi Parliament to enact law to protect abandoned newborns, 16 June 2021, [url](#)

⁶ STEP, Foster Care, n.d., [url](#)

⁷ UNICEF, Joint Statement by the ILO and UNICEF on World Day Against Child Labour in Iraq, 11 June 2021, [url](#)

⁸ Kurdistan Regional Government (GOV.KRD), Prime Minister Masrour Barzani delivers Eid al-Fitr message to orphaned children, 12 May 2021, [url](#)

⁹ BFC, A Polish Charity Sponsors Orphans in Kurdistan Region, 19 July 2021, [url](#)

¹⁰ KSC/KCF, Sponsor A Child Today, n.d., [url](#)

¹¹ Iraq, Constitution of the Republic of Iraq 2005, 15 October 2005, Art. 44 [url](#)

themselves in their places of origin or habitual residence, local integration or resettlement in other places in Iraq'.¹²In January 2020, referring to the situation of 'ISIL-affiliate juveniles', a report by the Kurdistan Regional Government stated that 'detainees less than 18 years old who were arrested for being ISIL-affiliates were treated as victims rather than criminals', while 'children who did not have parents and came to Kurdistan were treated as orphans'.¹³

According to the May 2020 report of the UN Special Rapporteur on the human rights of IDPs, referring to the situation across Iraq, 'many displaced and returnee children have lost family members and caregivers in the conflict', adding that orphans or children separated from their families 'often face social marginalization and are at a high risk of exploitation and abuse'. According to the Special Rapporteur, 'internally displaced and returnee children have acute needs, lack access to basic services and education, and have little prospect of future educational and livelihood opportunities'.¹⁴

Referring to the situation of internally displaced and returnee children who have lost their identification documents, the Special Rapporteur stated:

'Discriminatory barriers impede the access of many internally displaced and returnee children to birth certificates and other civil documents. As the presence of a child's father in court or the presentation of his death certificate is required for the issuance of a birth certificate, displaced children who have lost or have been separated from their father but do not have a death certificate, or who were born out of an act of sexual violence, are unable to obtain birth certificates and other documents. Without civil documentation, they cannot enrol in formal education, have access to health care and basic services, apply for security clearances to move around the country or exercise their rights as children.'¹⁵

Another challenge highlighted by the Special Rapporteur was the vulnerability of 'displaced children and adolescents [...] who are themselves perceived to be affiliated to ISIL'. According to the source, these children:

'are particularly vulnerable to exploitation and abuse, and are at risk of arbitrary detention. Security clearance requirements have resulted in children of families perceived as affiliated to ISIL being deprived of civil documentation and therefore of basic services. Many of these children are unaccompanied or separated from their families, and they face additional obstacles for family reunification owing to the associated stigma.'¹⁶

The Special Rapporteur further underlined that 'returnees with a perceived affiliation to ISIL often face discrimination, harassment and in some cases forced eviction and violence, including sexual and gender-based violence'.¹⁷

According to a July 2021 report by non-governmental organisation World Vision, at that time some '1.6 million (or two out of five) Iraqi returnees' were lacking 'adequate housing, economic self-sufficiency, access to basic services or safe and protective environments'. According to the source, the situation was 'disproportionately affecting children, who make up the majority of returnees, and [was] often leading to secondary displacements'.¹⁸

¹² Iraq, National Policy on Displacement, July 2008, [url](#), para. 6.9.

¹³ UNAMI/OHCHR, Human Rights in the Administration of Justice in Iraq: Trials under the anti-terrorism laws and implications for justice, accountability and social cohesion in the aftermath of ISIL, January 2021, [url](#), Annex IV: Response by the Kurdistan Regional Government to the UNAMI/OHCHR report

¹⁴ UN HRC, Report of the Special Rapporteur on the human rights of internally displaced persons, 13 May 2021, [url](#), para 43

¹⁵ UN HRC, Report of the Special Rapporteur on the human rights of internally displaced persons, 13 May 2021, [url](#), para 47

¹⁶ UN HRC, Report of the Special Rapporteur on the human rights of internally displaced persons, 13 May 2021, [url](#), para 49

¹⁷ UN HRC, Report of the Special Rapporteur on the human rights of internally displaced persons, 13 May 2021, [url](#), para 39

¹⁸ World Vision, Iraq: more than just a news headline, 22 July 2021, [url](#)

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