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Life in the margins:

*Re-examining the needs
of paperless people in
post-conflict Iraq*



September 2022

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This brief is the result of ongoing efforts to coordinate NGO advocacy on civil documentation led by the Danish Refugee Council (DRC) in Iraq. It was written by Elysia Buchanan (DRC) and Caroline Zullo (Norwegian Refugee Council). Thanks go also to Jordan Lesser-Roy (International Rescue Committee) for her support in drafting. Thanks also to the many staff from the authoring agencies who contributed to the findings and recommendations of this brief, as well as the various other actors who dedicated their time to feed in. Finally, we sincerely thank the people who agreed to share their stories and experiences with us, and to use these to help inform ways forward.

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Executive summary

Five years after the declared end of the conflict with the Islamic State of Iraq and Syria (ISIS), Iraq's recovery remains fragile. While humanitarian needs have reduced since the height of the crisis, many communities remain in need of assistance. Decades of conflict and years of underinvestment also mean that much of the social support infrastructure faces critical gaps, including in terms of capacity to meet residual conflict-related needs. Among those most at risk of exclusion are the one million internally displaced and returnee Iraqis who were missing civil documentation in 2021, such as core identity documents and birth, marriage and death certificates. Without documents, displacement-affected populations can lack legal identity or status and find themselves excluded from key services and facing critical protection risks.

Life in the Margins builds on the research report [*Paperless People of Post-Conflict Iraq*](#) – released in 2019 – to further explore the challenges faced by displacement-affected populations who are missing civil documentation, and how these have evolved in the recent past. It is informed by the programmatic experience of the authoring agencies across nine conflict and displacement-affected governorates in Federal Iraq and the Kurdistan Region of Iraq (KRI). A review of relevant literature (public and private) was also conducted, further complemented by interviews with a range of other actors, including United Nations (UN) agencies, women's rights organisations, and sub-national government authorities.

Three years since the publication of Paperless People, findings suggest too little progress has been made overall. While the number of displacement-affected Iraqis missing documentation has reduced as a result of concerted interventions by a range of actors, broader systematic and policy-level barriers remain. Indeed, experience over the past three years has demonstrated that area-based action – which can recognize and address the specific dynamics of particular population groups or areas – are necessary in addressing needs. However, given the complexity of residual caseloads and significant bureaucratic and administrative challenges, it is clear that without action at the highest levels, opportunities for further progress are extremely limited. This is particularly true for populations with perceived affiliation, for whom the process of securing documentation has only become more challenging in recent years. Women and female-headed households and Internally Displaced People (IDPs) unable to access Civil Affairs Directorates (CADs) also face heightened challenges.

Indeed, while there are a range of reasons that displacement-affected Iraqis may be missing documentation – including that these were lost, damaged or confiscated during the conflict – IDPs and returnees increasingly note that the main challenge is the systematic and bureaucratic inaccessibility of the current system. These challenges can take the form of repeated visits to CADs and other related government offices, the time and money required to prioritise the process, multiple and complex administrative requirements (which can vary by location or for specific groups), and the overall capacity and resourcing gaps of related systems. In the face of these challenges, around a third of displacement-affected households have not even attempted to (re)issue their documentation. As a result, they – and those still attempting to navigate the system – are at risk of exposure to a range of protection risks and limitations in their access to key services, including health, education and social welfare schemes. The fulfilment of many other rights including housing, land and property (HLP) and inheritance rights can also be impeded. Among the most acute, according to humanitarian protection actors, are the immediate and long-term ramifications for thousands of children who remain unable to enrol in school, further marginalising girls and boys who have already missed out on years of education due to conflict and displacement.

Iraq is in a period of transition. One year after elections in October 2021, a new government has yet to be formed, delaying key policy and budgetary action – including action which could help support access to civil documentation. Political tensions recently escalated into clashes in Baghdad, leaving the way forward increasingly unclear, with the UN calling for peaceful and constructive dialogue with the urgent needs of Iraqis in the spotlight. Within this context, the aid response structure continues to wind down humanitarian activities and coordination, making it progressively more important for displacement-affected populations to have access to public services. The course set forward over this period will determine the inclusiveness of the country's recovery and have critical implications for the achievement of durable solutions. Once in place, securing documentation for IDPs and refugees must be a key priority for the new Iraqi government, including addressing bureaucratic and policy barriers and adequate resourcing to strengthen existing systems and services. At the same time, recognizing the increased vulnerability and marginalisation of these populations, their needs must also continue to be a priority in the humanitarian and durable solutions responses, including through increased engagement to secure their rights.



A DRC staff member interviews a woman outside her home.
Photo: Elysia Buchanan/DRC

Recommendations

The Government of Iraq

The Government of Iraq - in particular the Prime Minister's Office, the Ministry of Interior, Ministry of Justice and Ministry of Defence and the High Judicial Council - should urgently address outstanding policy level barriers to access to civil documentation, including allowing IDPs to complete related processes in their area of displacement, effectively de-linking access to documentation from security procedures, and removing requirements for DNA samples to secure documentation for a child. Equally, the Government of Iraq should take steps to build the capacity of and provide adequate resources for related systems, including technical challenges associated with the roll-out of the Unified ID Cards. More specifically:

- Adopt September 16th as an annual National ID Day, starting from 2023. Experience from Nigeria shows that this provides a clear moment around which to measure progress, stock-take on challenges, and mobilise coordinated action.
- The Ministry of Interior should establish a clear appeals system for those who have been denied documentation as well as a safe complaints and reporting mechanism to allow for reporting technical challenges and irregular processes. These should be properly resourced, with clear investigation and follow-up procedures, and developed in close collaboration with protection actors.
- Allocate sufficient budget for strengthening the capacity and full functionality of CADs, including the staffing of mobile missions and temporary field offices. These allocations should also recognise the urgency of meeting needs to support the achievement of durable solutions - particularly in informal sites and where needs are high among displacement-affected populations - and that these systems have been significantly eroded by years of conflict and underinvestment.
- Adopt an exception on supporting documentation requirements for children born during the conflict who lack birth registration and whose families do not have security constraints.

- Ensure that Ministerial Order No. 488 is consistently implemented by the courts and the Ministry of Interior to ensure that orphans, homeless people and people living in poverty are able to apply for civil documentation without fees, as per the terms of the recent directive.
- The Ministry of Interior, Justice and Displacement should formalise ease-of-access procedures for IDPs unable to access CADs and Courts with jurisdiction over their case, including expanding and systematising the use of Power of Attorney.
- The High Judicial Council should ensure that documents are issued in accordance with Iraqi law and that additional, extra-legal requirements, such as multiple DNA samples, and security clearances are not incorporated into application procedures. This should include issuing a directive overturning Court of Cassation decisions that are contrary to Iraqi law, and ensuring that Courts implement the directive.
- Standardise procedures for the issuance of death certificates and marriage certificates for men who disappeared during the conflict, including the issuance of alternative means of verification through the community (*mukhtar letter, for example*).

The United Nations

The UN should continue - and scale up - support to building government capacity and strengthening institutions, as well as undertake concerted advocacy on civil documentation. More specifically:

- Continue to support the Government of Iraq in building capacity and strengthening institutions related to the (re)issuance of civil documentation, including through increased funding and supporting the development of clear Ministerial plans in this regard.
- UNHCR and OHCHR, as co-leads of the Protection and Human Rights Platform, should ensure:
 - Technical support and guidance to public institutions on civil documentation is a key priority for the group upon inception.
 - There are clear links with the sub-national and operational levels, and that these links inform advocacy and guidance at the central level. At a minimum, this could include information-sharing links with the Area Based Coordination Groups (ABCs), including regular inputs from these groups on progress and challenges in security documentation.
 - Non-governmental organisations (NGOs) and other operational actors are effectively able to feed into the work of the group - particularly in terms of advocacy. This could include a 'workstream' approach on civil documentation to support further learning and inputs from operational actors, especially to inform strategic direction and work on inception.
 - Ensure clear linkages and coordination with Durable Solutions Task Force (DSTF) and Humanitarian Country Team (HCT), particularly for joint and coordinated advocacy.
- The Protection Cluster should, as part of transition planning, undertake coordination efforts with the Ministry of Interior to lay the groundwork for a process and/or identification of a focal point for member mobile mission planning in key areas.
- OCHA and UNHCR - as the lead agencies for humanitarian access and protection, respectively - should explore strengthening links between humanitarian access processes and the freedom of movement for undocumented populations. This could include through increased focus in the revised strategy of the Humanitarian Access Working Group, and clear linkages with the Protection and Human Rights Platform upon inception.
- UNDP, ILO and other relevant agencies, in their engagement on strengthening social protection schemes, should incorporate efforts to ensure that populations without documentation and those who recently secured documentation are able to access these schemes and register for social welfare benefits.

- UNFPA and UNHCR - in collaboration with women's rights actors - should support the development of clear mechanisms for reporting and addressing reports of sexual and other harassment, exploitation and abuse. This includes building the capacities of relevant authorities in this regard.

The leadership of the aid response systems and mechanisms, particularly the HCT and DSTF

Aid response systems and mechanisms - including humanitarian and durable solutions architecture - should take steps to ensure that civil documentation and the needs of undocumented populations continue to be prioritized and addressed in the response. This includes:

- The HCT should ensure that access to civil documentation is maintained as a priority and indicator of vulnerability for 2023 humanitarian planning, including within the 'Light Response Strategy Paper'. This includes prioritisation of legal assistance funding and interventions, as well as emphasis on the broader vulnerability of these populations, whose lack of documentation may mean continued or heightened needs in other sectors.
- The HCT and DSTF should prioritise informal sites in planning and response, including in the work of the ABCs and the selection of areas for mobile missions and temporary field offices.
- Pending the establishment of the Protection and Human Rights Platform, the HCT and DSTF should step up engagement on civil documentation in the lead up to transition, with a focus on key benchmarks and commitments (e.g. legislative or procedural changes, public commitments or directives) and targeted advocacy and recommendations in order to effectively inform transition risk and gap assessments.
- The DSTF, particularly, should seek to strengthen concerted advocacy on civil documentation as a key barrier to and intervention required for the achievement of durable solutions. This is especially true as the role of the HCT winds down, with the DSTF emerging as a clear space for coordination and planning of joint UN, NGO and donor engagement.
- In line with this, the DSTF should ensure clearer information sharing on outcomes of engagement with government at central levels in these forums - including in terms of commitments and clarifying directives - to support engagement at the sub-national level and monitor the achievement of benchmarks in transition planning.
- Explore opportunities to strengthen interlinkages between access to civil documentation and other key sectors, including livelihoods and social cohesion. This could include through strategic discussions in relevant forums (such as the Peace and Reconciliation Working Group, Emergency Livelihoods Cluster, Cash Working Group, governorate-level Legal Task Forces and the Durable Solutions Technical Working Group (DSTWG)) to ensure these opportunities are further incorporated into transition planning and programming.

Donors and diplomats working in and on Iraq

Donors and diplomats should continue to support work on civil documentation, and ensure that related needs are highlighted and action is called for as part of their engagement with the Government of Iraq. This includes:

- Continuing to support cash assistance programming, including those linked to protection and legal assistance, with specific emphasis on support to women-headed households and households in informal sites. This is particularly important as a key barrier to renewing documentation remains affordability, and undocumented households are unable to access alternative social support systems.
- Maintaining funding for legal assistance and legal awareness programming, including for populations living in informal sites.
- Step up dedicated engagement with the Government of Iraq on policy level barriers to the achievement of durable solutions, and - recognizing concerted action requires political will from the highest level - encourage reforms in Iraq's civil documentation system when in dialogue on stabilisation, recovery and reconstruction.

- Provide funding for capacity strengthening of CADs, with particular focus on data management, protection mainstreaming, internal human resources processes and management, and rights-based legal obligations of staff.
- Ensure that funded projects are resourced to integrate gender analysis and gender outcomes.

Programmatic recommendations to response actors

Programmatic response actors, including international and national NGOs should ensure the experiences of affected populations inform programming and engagement, and explore opportunities to integrate gender and cross-sectoral considerations into interventions. More specifically:

- As far as risk and confidentiality considerations allow, share protection assessments, specific incidents, and operational challenges linked to displacement-affected populations' access to civil documentation through existing channels to ensure this effectively informs strategy, planning and engagement, and - in this regard - actively contribute in associated strategy, advocacy and coordination forums.
- Explore integrating access to civil documentation considerations and activities into livelihoods and social cohesion programming, in close consultation with protection colleagues.
- Explore opportunities to further integrate gendered analysis and gender equality aims into their programming, including building meaningful partnerships with women's rights organisations.
- Together with other actors - such as the UN, local government actors, and response coordination mechanisms - support and inform estimates in terms of staff and resources for CADs and other relevant institutes to operate at full capacity, including to effectively resource mobile missions and temporary offices.
- Undertake localised protection and context analysis ahead of interventions, to inform program targeting and strategies. With the shrinking response capacity, there will be increased need for the provision of tailored services and advocacy to address the most complex remaining caseloads.



Two boys sit outside their family's tented settlement in Bzebez in Fallujah district.
Photo: Ahmed Kaka/NRC

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*A woman receives counselling and legal assistance to obtain civil documentation for herself and her children.
Photo: Caroline Zullo/NRC*

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Introduction

Nearly five years after the Government of Iraq declared an end to the conflict with the so-called Islamic State of Iraq and Syria (ISIS), up to one million internally displaced and returnee Iraqis still lack civil documentation.¹ Without proper documentation, displacement-affected Iraqi civilians can lack legal identity or status and are frequently relegated to the margins of society. These communities face additional challenges to claim rights and access services including health,² education and welfare schemes; their freedom of movement is often restricted and they are exposed to increased risks at checkpoints; and the protection and fulfilment of many other rights including housing, land and property (HLP) and inheritance rights can also be impeded. As a result of these increased challenges, access to documentation also interacts closely with the ability of thousands of displaced families to return to their homes, re-integrate in their communities, or to create new homes in other parts of the country - leaving them with minimal options for the achievement of durable solutions.

This advocacy and context brief builds on the 2019 research report *Paperless People of Post-Conflict Iraq* produced by the Norwegian Refugee Council (NRC), the Danish Refugee Council (DRC), and the International Rescue Committee (IRC). That report found that populations without documentation were at risk of becoming a new group of marginalised Iraqi citizens, and that the continued denial of their rights and resulting exclusion was undermining opportunities for the achievement of durable solutions to their displacement, as well as for broader social cohesion and stability in Iraq. Three years after the publication of Paperless People, too little progress has been made on policy and systematic barriers to accessing documentation. This is particularly true for certain subsets of the population who remain most at risk of exclusion, including: female-headed households; internally displaced people (IDPs) unable to access Civil Affairs Directorates (CADs); and families with perceived IS affiliation, for whom the barriers have become much more significant. While efforts by a range of actors have meant that thousands more people have had their documentation renewed, replaced or issued since 2019, many of the systemic and policy-level barriers to accessing civil documentation remain, making further progress extremely challenging.

The analysis and recommendations presented in this brief are informed by dedicated engagement with multiple national and international non-governmental organisations (NGOs), as well as interviews with a range of other actors, including United Nations (UN) agencies, women's rights organisations, and sub-national government authorities.³ It is further informed by a review of relevant literature and data, as well as the programmatic experience and learning of authoring agencies, which collectively includes interventions across nine governorates in Federal Iraq and the Kurdistan Region of Iraq (KRI). The findings demonstrate how hundreds of thousands of Iraqis still face critical protection risks and a negative impact on their wellbeing due to being paperless, with particular challenges for the subsets listed above. And, while some success has been seen at addressing caseloads at an area level, it is increasingly clear that further progress requires action at the highest level, to address the policy and bureaucratic impediments currently characterising the system.

1 OCHA, *Iraq Humanitarian Needs Overview*, March 2022.

2 While an ID card can be required for registration in some health centres, according to Iraqi law an ID card is not required to access primary healthcare. However, it is required to obtain tertiary care (surgery, for example).

3 Including governorate and Ministry of Migration and Displacement (MoMD) officials and Civil Affairs Directorates staff in Ninewa and Anbar.



Buildings throughout the old city of Mosul remains destroyed years after large-scale conflict
Photo: Ahmed Kaka/NRC

Context overview

According to data from REACH's Multi-Cluster Needs Assessment (MCNA) - which informs each year's *Humanitarian Response Plan* - the number of IDPs and returnees missing core documentation has reduced in the past three years.⁴ Over this period, there have been concerted efforts by a range of actors to provide legal assistance to displacement-affected households lacking documentation, as well as dedicated advocacy to address residual and complex caseloads related to perceived ISIS affiliation, particularly at sub-national levels. Still, the programmatic experience of the authoring agencies demonstrates that critical challenges persist for these communities in replacing, renewing or issuing civil documentation.

In the years following the declared end of the conflict with ISIS, many Iraqi families sought to reissue civil documentation they were forced to leave behind as they fled the immediate threat of conflict. For others, their documents may have been damaged or expired while they were displaced. ISIS members also regularly confiscated official documentation in areas under their control, and issued their own, which the Iraqi authorities do not recognize.⁵ There is also a need for many households to secure new documents and applications to formalise events which occurred during the conflict, including death, marriage and birth registrations. However, over the last three years, dynamics surrounding needs have shifted. The majority of civil documentation assistance requests received by humanitarian legal actors in 2022 are applications for new documents - life events that were not previously registered during or after the conflict, with a minority of applications related to documents that were damaged or lost during the conflict. This suggests that the barriers facing IDPs in Iraq are primarily bureaucratic, with civil documentation remaining out of reach even as the immediate effects of the conflict recede. These challenges can take the form of repeated visits to CADs and other related government offices - bringing significant cost and, in some cases, risk - and the need to have the time and resources to prioritise the document application process.

Many of these barriers were flagged in the findings reported in Paperless People in 2019, demonstrating their systemic nature and the need for further attention and action. Many of these also relate to bureaucratic exclusion or challenges, including access, location and capacity of CADs and Courts; complex and lengthy administrative processes; as well as operational and administrative challenges linked to the roll-out of the Unified ID Card.

A May 2022 mapping of CADs, Public Distribution System (PDS) offices, and Courts demonstrated significant challenges in operability.⁶ For example, of districts assessed outside Ninewa,⁷ less than half of offices were reported as fully open (44 percent). In practice, this can mean that offices are open for less than five hours per day, and working at less than 50 percent capacity. Local officials have repeatedly noted that capacity is a distinct challenge to meeting needs, including lack of sufficient staff. To the knowledge of NGOs, efforts to increase the capacity of these offices remains limited. This adds substantially to the existing administrative burden that households face when they apply for documents, especially without legal representation. Applicants are likely to be asked to return another day to initiate or complete a procedure, or are subjected to extensive wait times. For many displacement-affected households, these offices are not in close proximity to their current locations and can be hard to reach due to movement or security constraints.

One key obstacle is that the possession of one key document is often a requirement for the (re)issuance of another. For example, an unregistered marriage impedes proof of paternal lineage, which precludes a birth registration, which can then impact the issuance of other identity documents.

The complexity and length of the process also remains a key barrier raised by IDPs and returnees.⁸ The landscape is characterised by the need for multiple different identity documents and diverse and oftentimes ill-defined procedures. One key obstacle is that the possession of one key document is often a requirement for the (re)issuance of another (see below). For

4 Please note that due to different methodologies, data is not directly comparable year-on-year but rather indicative of trends. REACH, *Multi-Cluster Needs Assessment*, 2021.

5 IRC, *Born under ISIS, the children struggling in Iraq*, 2018.

6 National Protection Cluster, Iraq - Mapping of Civil Affairs Directorates, Courts and PDS Offices, May 2022.

7 In districts assessed in Ninewa, full or partial functionality was reported at a much higher rate. Only 6% of offices mapped were reportedly closed or partially open. Ibid.

8 REACH, Iraq MCNA X: Preliminary Analysis, 2022

example, an unregistered marriage impedes proof of paternal lineage, which precludes a birth registration, which can then impact the issuance of other identity documents. This particularly affects female-headed households where the husband or male head is dead or missing.

Since 2019, this process has been further complicated by the systematic roll-out of the Unified ID card by the Ministry of Interior. This move was meant to streamline processes for securing documentation by replacing two core documents - the Iraqi Nationality Certificate and the Civil Status ID Card - with a single, unified ID. However, the imposition of this change has resulted in many well-documented challenges to addressing residual caseloads,⁹ including regular malfunctioning of the online booking system and irregular fees. It also requires reliable internet connectivity, a critical challenge for many households.¹⁰ Local authorities engaged in Ninewa noted that the online booking system and length of time it takes to process the Unified ID were key challenges they faced in taking action to facilitate access to civil documentation. Engagement by humanitarian legal actors has been ongoing at sub-national levels to address these challenges; however, local and governorate level authorities have indicated that these can only be addressed at a central level by the Ministry of Interior and with sufficient resourcing.¹¹

Challenges in the bureaucratic environment are further impacted by broader economic and political factors. Indeed, according to the MCNA, costs associated with the process remain the key barrier to accessing civil documentation for displacement-affected households, particularly impacting IDPs. The deteriorating economic conditions for a great number of households¹² has meant that many struggle to afford the fees associated with the process¹³ - not to mention the lost time for income generation and additional travel costs. Data suggests that these challenges have been exacerbated in the past months,¹⁴ including due to the rising cost of many basic goods, which has been further heightened by the broader global economic and trade impacts of the crisis in Ukraine.¹⁵ While many aid agencies provide financial assistance or direct legal assistance to support individuals from the start to the end of the process, the scale of need vastly outstrips the capacity of the response.

Broader political factors also impact the ability of IDPs and returnees to complete these processes. Notably, over the last three years the majority of IDP camps in Federal Iraq have been closed by the Government of Iraq, with the Protection Cluster reporting that one in five families were missing documents upon departure.¹⁶ Humanitarian legal actors have noted that this made many of these households harder to reach, particularly those who returned to areas where services or access are limited. Many households were also re-displaced to informal sites following camp closure processes. As explored below, these sites are generally not in close proximity to CADs or Courts; this could be either (or both) the local offices, or those which have jurisdiction over their case, which may be in their district or sub-district of origin.

More broadly, the ongoing political crisis has resulted in delays in budgetary procedures and policy decision-making which could impact access to documentation for displacement-affected populations. Nearly one year after elections in October 2021, a new government has yet to be formed.¹⁷ This means that spending, policy and legislative action are significantly limited by Iraqi law.¹⁸ Within this context, the aid response structure continues to wind down humanitarian activities and coordination. As a result, it is increasingly urgent that communities are able to access public services, and that these services are strengthened; this is particularly true as MCNA data suggests that the resilience of displacement-affected populations remains severely eroded, meaning they are especially vulnerable to shocks or gaps in services.¹⁹

9 National Protection Cluster, *Protection Analysis Report: Right to Identity and Civil Documentation*, October 2021.

10 Iraq's internet penetration rate is one of the lowest in the region; while some 75% of the population have access to the internet, this is further challenged by unreliable service and infrastructure unable to meet rising needs. Freedom House, *Freedom of the Net: Iraq*, 2021.

11 Ibid.

12 A mid-year situation and needs monitoring report found a rise in the cost of basic goods, an increase in households reporting challenges accessing markets, and an increased percent of households relying on stress/crisis/emergency strategies to cope with lack of resources. Iraq Inter-Cluster Coordination Group, *Situation and Needs Monitoring Report*, June 2022.

13 For example, procedural costs for some processes can range from IQD 1,000 (less than US\$1) to IQD 50,000 (US\$34), per Judicial Fees Law No. 114 of 1981. However, these costs increase significantly for households who require legal representation, which is especially needed in complex cases.

14 Based on a review of Protection Cluster's Protection Monitoring System data from Dec 2020-Jan 2021 to May-June 2022. National Protection Cluster, *Iraq Protection Monitoring System*, June 2022.

15 WFP, *Iraq Market Monitor Report, Issue No.31*, March 2022.

16 National Protection Cluster, *Camp Departure Follow-up Survey*, January 2021.

17 Enabling Peace in Iraq Center, *Iraq Security and Humanitarian Monitor: August 25 - September 1, 2022*, 1 September 2022.

18 Yesar Al-Maleki, *Iraq once again leaps into the void*, Middle East Institute, June 2022.

19 REACH, *Iraq: MCNA IX Brief Multi-Cluster Needs Assessment*, January 2022.

Terminology²⁰

Civil documentation: The term civil documentation comprises documents or papers issued by the state as proof or official recognition of people's right to legal identity and nationality. The National Protection Cluster considers essential identity and civil documents to include the Civil Status ID Card, Iraqi Nationality Certificate, Unified ID Card, Birth Certificate, and PDS Card.

Civil ID: Otherwise known as the Civil Status ID Card, the Civil ID is one of the main sources of identification for Iraqi citizens and is an official record of one's identity. It is issued through Civil Status Affairs Directorates at the district and sub-district level, under the Ministry of Interior. It has been progressively replaced by the Unified ID Card, and is no longer issued in most areas.

Nationality Certificate: The nationality certificate is an official record of one's Iraqi nationality. It is issued through the General Nationality Directorate at the governorate level, under the Ministry of Interior. The Iraqi Nationality Certificate is the identity document which is most commonly lost, missing or invalid among IDPs and returnees.²¹ Possession of the Nationality Certificate is a prerequisite for issuance of the Unified ID Card.

Unified ID Card: Since November 2016, Unified ID Cards have been issued in Iraq as an individual identity document to replace both the Civil Status ID Card and the Nationality Certificate. It includes biometric data such as retinal scans and fingerprints. It is issued via Civil Affairs Directorates and sub-governorate levels. Without this, you cannot access key services or access the PDS card.

Birth certificate: A Birth Certificate is an individual identity document which is an official record of one's identity, date and place of birth and family lineage. It is issued by the Courts. Without a Birth Certificate, it is challenging to secure other identity documents, such as a Civil Status ID Card, an Iraqi Nationality Certificate, or a Unified ID Card.

Public Distribution System (PDS) card: The PDS is a social scheme under the management of the Ministry of Trade through which eligible citizens receive a monthly food ration. To access this scheme, families require a PDS Card, also known as a 'food ration card', which is issued to the head of households, and contains a list of all members of the household.

Housing card: The housing card, also known as the Iraqi residence card, is a document which shows the address where someone is renting or owning a residence. While not technically a civil or identity document, a housing card is sometimes required to obtain other documents, including identity documents and PDS cards. It is also required to access compensation schemes for damaged and destroyed property or otherwise claim housing, land and property rights.

Marriage and death certificate: Marriage and Death Certificates are civil documents which serve official records of these events. They are issued by the Courts. Without these, individuals will face challenges accessing PDS cards, Birth Certificates, and certain HLP documents required for proof of ownership and inheritance.

²⁰ National Protection Cluster, *Protection Analysis Report: Right to Identity and Civil Documentation*, October 2021; NRC, IRC and DRC, *Paperless People of Post-Conflict Iraq: Denied rights, barred from basic services and excluded from reconstruction efforts*, 2019.

²¹ Ibid, National Protection Cluster.

In the face of these challenges, around a third of all IDPs and returnees who are missing core documents report that they are not even attempting to undertake the processes to (re) issue civil documentation, and therefore face limited prospects to resolving related challenges they experience as well as increased barriers to the achievement of durable solutions to their displacement.

Finally, it is important to note that, though less common, other protection-sensitive barriers to civil documentation continue to be reported, affecting up to a quarter of IDPs and returnees in some areas.²² These include, the deliberate destruction or confiscation of identification by others, or the blocking of civil documents processing/issuance due to influences by security actors. These risks are particularly acute for populations with perceived affiliation to IS, who can face distinct challenges in seeking to (re)issue documentation - as will be explored further below.

In the face of these challenges, around a third of all IDPs and returnees who are missing core documents report that they are not even attempting to undertake the processes to (re)issue civil documentation,²³ and therefore face limited prospects to resolving related challenges they experience as well as increased barriers to the achievement of durable solutions to their displacement. This demonstrates how the inaccessibility and overwhelming demands of the bureaucratic system can feel insurmountable to displacement-affected populations, even in the face of significant consequences for access to services and marginalisation.



Displacement-affected children learn in a school in Tuz district in Salahaddin governorate.
Photo: Ahmed Kaka/NRC

The link between civil documentation and the achievement of durable solutions

While a lack of documentation can act as a critical barrier to the achievement of durable solutions, supporting displacement-affected populations to renew, replace or issue their documentation can facilitate pathways of voluntary return, resettlement and (re)integration. Indeed, access to documentation is a key pillar of international principles and frameworks on the rights of IDPs and on support for durable solutions to their displacement.²⁴

Aid response actors and the Government of Iraq have come together to support the achievement of durable solutions, including the inception of new coordination mechanisms and the adoption of various plans and strategies. For example, access to civil documentation has been identified as a key objective of the aid response's *Inter-Agency Durable Solutions Strategic and Operational Framework*, which sets out the vision for aid actors and response stakeholders in Iraq to support the achievement of durable solutions. Access to civil documentation is also noted as a key barrier to the achievement of durable solutions in the Government of Iraq's 2020 *National Plan for Returning the IDPs to their Liberated Areas*, with the Ministry of Interior (and Ministry of Justice and Supreme Judicial Council) tasked with "addressing the legal status of the displaced" within six months to a year. This objective remains unmet, with further details on specific government action to be taken to this end unclear.

Access to civil documentation can influence the achievement of durable solutions in a range of ways. As noted above, without documentation, displacement-affected Iraqis can be denied access to basic services including health, education, and social safety nets - including the PDS food distributions under the Ministry of Trade and social welfare schemes under the Ministry of Labour and Social Affairs. A lack of regular employment or income and the inability to access key services directly impedes displacement-affected households' ability to surmount the specific assistance and protection needs related to their displacement. Additionally, it is significantly more difficult for paperless people to obtain formal rental agreements, own property, or take a property case to court - all of which puts them at increased risk of living in insecure or inadequate housing. While the necessary documents vary, valid identity documents are required at the sub-national level (generally by the local mukhtar or community leader) in order to rent a home or validate ownership. Identity documents are also needed to access the government's compensation scheme for housing and property that was damaged or destroyed in the conflict with ISIS - in addition to valid ownership documents which are also frequently lost. While the rate of distribution of compensation is low - only 4 percent of IDPs and returnees reporting damaged or destroyed HLP who applied for the scheme have received compensation - it remains a key recourse for rebuilding homes, especially in cases of heavy damage (which international assistance is less likely to cover).²⁵ At the same time, damaged or destroyed housing is the most frequently cited barrier to return, reported by one-third of IDPs as a key factor in their intention to not return to their areas of origin.

Identity documents are also frequently required to pass through checkpoints; without papers, the risk of arbitrary detention and arrest significantly increases.²⁶ In addition to being a serious protection risk, lack of proper documentation can severely limit access to services and livelihoods - particularly for IDPs in camps and informal sites who are frequently on the outskirts or margins of towns and cities largely outside of the reach of government and humanitarian interventions.²⁷ Previous reports have noted the need for engagement by the Prime Minister's Office and relevant line ministries (including Ministries of Interior, Justice and Defence) to address these challenges through waivers or alternative means of identification, as well as for the cessation of practices where documentation is confiscated by security actors, particularly for IDPs in camps and informal sites.²⁸ However, while humanitarian legal actors felt these directives were important for accountability, negotiating freedom of movement for these populations also requires significant engagement with a complex network of security actors managing checkpoints and transportation routes at sub-national levels. This suggests a need to explore further linkages with humanitarian access processes, through which there is regular engagement with these actors. This approach

24 See: UN, *Guiding Principles on Internal Displacement*, 2004, Principle 20; and, IASC, *Framework on Durable Solutions for Internally Displaced People*, 2010.

25 REACH, Iraq MCNA X: Preliminary Analysis, 2022.

26 Humanitarian Protection Assessment Findings: Ninewa and Salah al-Din, January 2022.

27 A quarter of key informants in the Protection Cluster's Protection Monitoring System (PMS) cite a lack of proper documentation as a key barrier to freedom of movement, a level which has remained generally consistent since monitoring started in 2020. National Protection Cluster, *Iraq Protection Monitoring System*, June 2022.

28 NRC, *Barriers from Birth: Undocumented children in Iraq sentenced to a life on the margins*, April 2019.

is also in line with the global definition of humanitarian access, which includes addressing barriers to affected populations' access to assistance and services.²⁹

It is important to note that while access to civil documentation is central to the achievement of durable solutions, barriers to return or (re)integration are often multiple and overlapping. In some areas, humanitarian legal actors have reported that communities face increased pressure from authorities to return to their areas of origin once their documentation has been secured, including beneficiaries who access services through mobile missions or targeted legal assistance to address residual caseloads. In this vein, it is important to note that broader challenges persist in accessing services critical to successful (re)integration and return. Decades of conflict and years of underinvestment mean that much of the social support infrastructure faces critical gaps. For example, until recently, the PDS and welfare distribution systems were not accepting new registrants, meaning many conflict-affected households were not able to access these benefits. However, these public services remain critical lifelines for displacement-affected populations, which will become increasingly important as the humanitarian response winds down and these become the main source of assistance for many vulnerable populations. For example, working with the Ministry of Labour and Social Affairs to broaden coverage of social safety nets has been noted as part of plans to wind down emergency livelihoods assistance in transition.

“They’ll never be able to prove they went to school”: Education in focus

Reem is a mother of three daughters from Anbar governorate. She and her children have been displaced multiple times and her husband passed away during the conflict, which has meant she is unable to obtain birth certificates for her two youngest daughters, aged seven and nine, leaving them unable to formally enrol in school.

“My children are only allowed to listen at school - they are not officially enrolled, so they cannot take exams or formally advance to the next grade. It’s really challenging and unfair for them. They want to be able to learn alongside their classmates and prepare themselves for the future, but they’ll never be able to prove they went to school.”

Reem says that she doesn’t think her daughters will stay in school because they are frustrated that they cannot sit for exams like the rest of their classmates. The process to obtain civil documentation is too complex and her daughters are losing motivation to continue their studies.

A lack of civil documentation has directly impacted children and youth’s ability to pursue their education. Forty-five thousand children are estimated to lack official state-issued birth certificates and other civil documents.³⁰ Many children do not have official documents as their parents may have had papers destroyed by IS, lost in the conflict, or confiscated by security forces. Other children face specific barriers with proof of lineage in accessing civil documents if their parents did not acquire official Iraqi-state issued marriage certificates. The challenges to access documentation are compounded for children in households with perceived affiliation to IS. The process to acquire documentation is interlinked with security clearance of the children’s parents, presenting further barriers to attend school and amounting to collective punishment of tens of thousands of children.

Without documentation, these children cannot attend formal schools, receive exam results, or obtain education certificates to advance to the next grade. They lack freedom of movement to travel to different cities or governorates and are unable to access public services, including healthcare or social protection. This exclusion has had broader ramifications on children and youth’s well-being and motivation to pursue their studies, which impacts their future ability to secure an income, be resilient, and achieve durable solutions.

In February 2022, the Directorates of Education in Ninewa and Salah al-Din governorates announced the decision to allow undocumented children and children with incomplete civil documentation to continue their education and obtain official diplomas at the end of the scholastic year upon submission of their civil documents. An estimated 3,000 children are expected to benefit from this decision across both governorates. While a step in the right direction, consistent implementation of this decision, as well as an expansion across other governorates, are essential to allow children to continue their education.

29 OCHA, *Humanitarian Access*, 2011.

30 NRC, *Barriers from Birth*, 2019.



Subsets of the population that face added challenges to accessing civil documentation

In the same way that civil documentation can both facilitate and act as a barrier to the achievement of durable solutions, lacking civil documentation is both a cause and a consequence of exclusion. In 2022, particular subsets of the population face heightened challenges in being (re)issued documentation, including households with perceived affiliation, IDPs unable to travel to their areas of origin - even temporarily - due to financial or security constraints, and displaced households in informal sites. Women - including female-headed households whose husband died or disappeared during the conflict - also face particular risks and barriers.

This means that while - depending on the document that is missing - the challenges outlined above can impact the day-to-day lives of displacement-affected households to varying degrees, other factors intersect to compound the vulnerabilities of these specific groups. In many cases, they fall into multiple categories of vulnerability. For these populations, the challenges and effects are specific, and they are particularly time-sensitive as they are among those most excluded from recovery efforts and marginalised in their communities.

Experience over the past three years has demonstrated that context-specific action - which can recognize and address the discrete dynamics of particular population groups or areas - are often the most effective. This is most clearly demonstrated through mobile missions - where institutions organise temporary visits by relevant offices to areas where there are high IDP caseloads - which recognize the need to target populations from specific areas. While the groups below have distinct challenges, it is important to note that there is still variation of experiences in different areas, requiring localised analysis which informs targeting of specific groups and response. However, for these populations, the infrastructure to support meaningful and inclusive recovery and progress and development remains weak, and particularly necessitates change at the highest levels.

1. IDPs unable to access Civil Affairs Directorates

There are a number of challenges to accessing CADs, including their overall capacity, functionality, and location, particularly for households who are unable to access offices in their areas of origin. In general, civil documentation can only be (re)issued in the area of origin of displaced households. This means that IDPs who cannot afford to return to their areas of origin or for whom this travel would raise serious trauma or safety risks face additional barriers to renewing, replacing or issuing their documents. As noted above, those who do undertake the journey may face additional risks passing through checkpoints undocumented.

A lack of clear directives and solutions from the central level prevents IDPs from exercising their right to seek and obtain documentation per the Iraqi constitution. In some areas, legal actors can use Power of Attorney to help IDPs complete the process of securing documents when they cannot access the Courts. However, this process is not yet systematised or authorised for all documents. Due to a lack of monitoring and enforcement by relevant line ministries, obtaining exemptions can often be time consuming and success varies greatly from one area to the next. Formalising ease-of-access procedures, including the use of Power of Attorney and allowing for IDPs to apply for documentation at the CADs in their areas of displacement is in line with a durable solutions approach, as it facilitates IDPs' ability to more easily pursue resettlement or local integration, should that be their preferred pathway.

The organisation of mobile missions has seen some success in addressing the needs of IDPs in the past few years and have become examples of coordinated interventions by government and humanitarian protection legal actors. According to UNHCR, the scale up of mobile missions will support the issuance of a further 39,000 documents before the end of 2022.³¹ At the same time, this approach is not without its challenges. The organisation of these missions takes significant time and capacity, with each requiring dedicated negotiation with the relevant authorities. The roll-out of the unified ID has also made these efforts even more challenging as they are able to process much smaller caseloads (due to the length of processing) and require reliable internet connectivity. Local CAD offices and Courts also frequently flag that they are not sufficiently resourced to facilitate these types of missions at scale; for example, humanitarian legal actors have reported that in some cases local CADs remain empty when the officials leave for mobile missions elsewhere. Still, these interventions remain a critical pathway to support IDPs in protracted displacement to secure their documentation.

Mobile missions have also been proposed and strategized as a means to address the needs of the over 179,000 IDPs who remain in 26 formal camps, most of which are in KRI.³² For example, 86 percent of the documents issued via mobile missions organised by UNHCR and its NGO partners between now and the end of the year are for IDPs in Erbil, Dohuk and Sulaymaniyah, where the majority of remaining IDP camps are located.³³ It is important to note that MCNA data suggests that these populations are more likely to be missing documents compared to out-of-camp IDPs and returnees. At the same time, an estimated 103,000 IDPs living in informal sites in Iraq face similarly acute challenges accessing their documentation but have far less exposure to the support of mobile missions.³⁴ The population in many of these sites include individuals who were re-displaced following camp closure processes in 2020 and 2021 and those who face distinct barriers to return. Support for IDPs in informal sites remains limited, as these sites can be small in terms of population figures, with households often spread out over large areas. They are also frequently hard to reach - both in terms of distance and that access is often heavily controlled by security actors.

Families living in informal sites constitute one of the most complex caseloads currently left in Iraq, as they face major physical and financial barriers to accessing civil documentation. According to one humanitarian assessment from 2021, one-third of households surveyed in informal sites had members who were missing legal identity documents, which included the National ID, the Civil ID, and Birth Certificates.³⁵ The lack of civil documentation in informal sites restricts households' ability to freely move and return to their areas of origin and receive critical humanitarian assistance, ranging from food ration cards to accessing health and education services. For example, in Bzebez and Kilo 7 informal sites in Anbar and in informal sites around Mosul, more than three-quarters of unenrolled students surveyed by NRC in 2022 stated that they do not attend school primarily because they do not have their documents to register.³⁶

31 UNHCR Iraq, [Access to civil documentation IDPs and IDP returnees in Iraq | 2022-2023](#), August 2022.

32 CCCM Cluster, Iraq Camp Master List and Population, July 2022.

33 Ibid.

34 Informal settlements are defined as sites that host five or more displaced households that were not originally constructed to accommodate people. OCHA, [Iraq Humanitarian Snapshot](#), September 2021; CCCM Cluster Iraq, [Technical Guidance on Informal Site Definition](#), September 2020.

35 NRC, Needs Assessment on Education and Civil Documentation in Informal Settlements, 2021.

36 Ibid.

The cost of routinely travelling to government institutions and fees associated with acquiring civil documentation disproportionately affect households in informal sites due to their locations - often in hard-to-reach areas - and the heightened challenges residents face in earning an income. In the above referenced assessment, secondarily displaced families described how paying for food and shelter were prioritised as key needs ahead of dedicated costs to processes to (re)issue civil documentation. Some 50 percent of households surveyed in informal sites around Mosul and 37 percent in Ramadi stated that they could not apply for civil documentation for their families because they could not afford the cost of the application fee.³⁷ The cost of repeatedly travelling to the relevant government offices also weighs heavily on households already trying to make ends meet. For example, none of the Fallujah sub-districts near Bzebez or Ameriyat Al-Fallujah (AAF) informal sites have CADs.

While increasing the frequency and scope of mobile missions can continue to support IDPs' access to documentation, they require effective resourcing of CADs from central levels and further steps to streamline processes. UNHCR has also noted that in 2023 priority will be given to the setting of temporary alternative field offices for the Ministry of Interior to process Unified National IDs, recognizing that the time it takes to secure these documents means a semi-permanent presence is required. This is a welcome step, as it has the potential to facilitate the completion of processes for a greater number of individuals over time. At the same time, details of this move are still unclear; mobile missions may still be required in some areas, including to ensure prioritisation of informal sites where caseloads may be smaller, but need is nevertheless high.

'There's nowhere else we can go': Freedom of movement and access to civil documentation in Ameriyat Al-Fallujah Informal Site

AAF informal site in Anbar Governorate was reclassified from a formal camp to an informal site in November 2021. Over 2,000 IDPs still live in the site, some of whom are from Jurf al-Sakhar, one of 284 areas across the country that are characterised as locations of "no return" by the International Organisation for Migration (IOM).³⁸ No one has returned to the district, reportedly as returns are still not permitted due to tribal and political issues related to the population composition in the area.³⁹ For Abbas, who is from Jurf al-Sakhar, this means he has little choice but to stay in AAF. "We could only move to Bzebez (another informal site nearby). There's nowhere else we can go," he says. "From 2014 to now, no one has returned to [Jurf al-Sakhar]. So, nobody sees what it's like. We have no information. I hear it is not safe," Abbas shares.

Access to civil documentation remains a critical challenge for populations in AAF, and has been identified as a key need by people living in the site, as well as a prerequisite for them to return or integrate into the community.⁴⁰ At the same time, many IDPs living in AAF travel outside to earn an income or rely on services outside the site. For example, Abbas says he needs to travel to access specialised healthcare, as only the most basic health services are provided in the site. Households have reported that having the proper documentation is required to leave the site.⁴¹ Yet, even those with proper documentation face challenges, Abbas shares: "We have to leave our IDs at the gate when we leave. Then we take it when we get back. But the challenge for me when I go to Fallujah or Ramadi [cities] is that at the checkpoints they ask me about my ID. I tell them that I have to leave it at the gate, and show them my badge [given out by security at the site in place of the official ID]. But, they tell me they don't accept the badge. Now I just go to the places nearby."

A humanitarian assessment from 2021 found that AAF is one of the most restricted informal sites in Iraq, with some 80 percent of households living in AAF reported they faced limitations on their freedom of movement.⁴² But, for people from areas of no return like Abbas - who has family members missing documentation - even if he is able to freely leave the site, getting to the required government offices in his area of origin is impossible.

37 NRC, Needs in Secondary Displacement Assessment, 2022.

38 IOM, *Return Index Thematic Series briefing #4 - No Way Home: An assessment of barriers to sustainable return and reintegration in locations of no return*, June 2022.

39 IOM, *Protracted Displacement Study: An in-depth analysis of the main districts of origin*, 2019.

40 REACH, *Ameriyat Al-Fallujah: IDP Needs and Challenges*, May 2022.

41 Ibid.

42 DRC, Protection Risk Analysis: 3 Informal Settlements in Fallujah District - Anbar, 2021.

2. Families with perceived ISIS affiliation

The reintegration of families with perceived ISIS affiliation remains a key concern throughout formerly ISIS-held areas of Iraq. Families with perceived affiliation face a range of challenges when applying for civil documentation and registering children born during the conflict: the need to obtain security clearance from intelligence actors, a raft of additional extra-legal procedural and administrative requirements, and community stigmatisation. For these reasons - as well as the inherent sensitivity of these cases - securing documentation for these populations is extremely complex. Another key challenge is that there is no clear accounting of this caseload, though the number likely remains in the tens of thousands, with the majority being women and children.

As far back as 2014, security actors in Iraq began to maintain databases of individuals believed to be affiliated with ISIS; both combatants and their first-degree relatives, who include wives, fathers, and children, were also added to these databases. Security clearance, which is required for removal from the databases, remains a prerequisite for freedom of movement and for applying for civil documentation. The specific criteria for this clearance remains unclear, and the process also frequently requires processes to disavow (*tabrea'a*) or report (*ikhbar*) a relative with perceived affiliation to ISIS. While these conditions are also not required consistently, in places where they are applied it is in contravention to a number of fundamental human rights principles - including due process - and results in severe psychosocial impacts for many families, including reported suicide attempts.⁴³ It is also important to note that these processes do not replace broader social cohesion or peacebuilding initiatives - i.e. completing *tabrea'a* or *ikhbar* does not necessarily result in increased acceptance, or resulting opportunities to return to areas of origin. Indeed, in many cases the process can be perceived by some actors as a confirmation of affiliation to extremist groups. This is particularly notable as processes to secure many documents - for example the housing card - can require the approval or buy-in of local authorities, such as the *mukhtar*.

In 2019, the Ministry of Interior issued directives instructing CADs to process civil documentation regardless of whether the household had obtained security clearance - in line with Iraqi and international human rights law, which ensures the right to a legal identity. However, these directives are not implemented consistently and calls for an appeals system - which would allow for the reporting of cases of misprocess - have not been met. Indeed, in 2022, the barriers facing families with perceived affiliation applying for civil documents include not only security clearance, but additional extra-legal requirements.

In March 2021, the Court of Cassation - the court of last resort in Baghdad for criminal and civil cases - issued a decision that requires women with perceived ISIS affiliation to provide evidence of the whereabouts of the child's father in the form of a death certificate or evidence of incarceration - an impossibility for many households where the head of household died or disappeared during the conflict. The next year, in March of 2022, following a request from the Forensics Department of the Ministry of Health in Baghdad, Courts widely began requiring that families with perceived affiliation seeking proof of paternal lineage - a requirement to obtain a birth certificate and other civil documents for a child - provide DNA samples from up to three male paternal relatives. Even if it is possible to secure these samples, the lengthy processing time and required travel to Baghdad also further complicates an already complex and lengthy process. More recently, in July of 2022, the High Judicial Council - the judicial advisory panel which oversees the Iraqi judiciary - issued a letter to the Ministry of Migration and Displacement reaffirming the requirement of multiple DNA tests and confirming that, for women with foreign IS-affiliated spouses, birth registration is impossible.

As a result of these developments, legal solutions exist for only a tiny minority of families of perceived ISIS affiliation: women who have access to a death certificate and to three male paternal relatives who are able to provide DNA samples at the Forensics Department in Baghdad, or who are able to negotiate leniency with the judge handling their case. For the remainder of families, birth registration and all other civil documentation remain out of reach. Generally, there has been no real movement on de-linking security processes from access to civil documentation since the end of the conflict, and standards and requirements vary greatly from one area to another, demonstrating the need for clear guidance and enforcement from the central level.

43 National Protection Cluster, Critical Protection Incident note, June 2020.

‘I am now stronger than before’: Securing documentation for populations with perceived affiliation

Aisha is a mother of two in Mosul, Ninewa. Her husband was perceived to be affiliated with ISIS and imprisoned, leaving Aisha to fend for herself and her children as the head of household and sole breadwinner. Aisha faced difficulties in obtaining civil documentation for herself and her children due to her husband's status, leaving them open to social stigmatisation and harassment from security officials, while unable to access services including education and adequate food rations. Aisha feared that her older son would be arrested at any moment due to his lack of documentation.

With the support of three lawyers, Aisha was able to go through the processes required to obtain the unified ID cards from the Unified Card Directorate for herself and her children. Over the course of 17 months, Aisha's case required proof of lineage documentation, obtaining a residence card from the Civil ID directorate, nationality documentation, and custody documentation. Despite these hurdles, and with proper documentation, Aisha was able to enrol her children in school and add them to her ration card to ensure proper nutrition. Her fears about her oldest son's arrest were greatly reduced and the family was able to move through checkpoints freely.

“I am now stronger than before,” she says.

3. Women and female-headed households

Women - and female-headed households - also face specific challenges in attempting to (re) issue their civil documentation. These households are disproportionately represented among populations in informal sites and families with perceived affiliation and are more likely to still be in displacement than households headed by men.⁴⁴ At the same time - while poorly understood - internal household or family dynamics can also interact with women's access to documentation and the pursuit of associated rights.

Many of these challenges relate to gender norms which can restrict women's movement - including to travel to and from government offices without a male escort. This is particularly a challenge for widows,⁴⁵ or women whose husband may have disappeared during the conflict. This means that even if the distance is manageable in terms of time and cost, women without documentation may find themselves unable to access key offices, especially if this is over long distances like those required to travel to their areas of origin to complete civil documentation processes.⁴⁶

In addition to the social norms and barriers women face, as noted above, female-headed households face additional procedural barriers when registering children. In this way, challenges linked with missing documentation also pervade women's family life, and the lives of their children. For example, while both men and women must provide a valid marriage certificate, only women must provide proof of lineage through a DNA sample of up to three paternal male relatives. Without death or divorce certificates, a woman will also be unable to re-marry, should she so choose. Generally, multiple requirements for documents compound broader dynamics which already make it more difficult for women to claim HLP and inheritance rights, transfer services or benefits to their name in the case of a husband's absence, or even secure custody over their children. Humanitarian legal actors and women's rights organisations have repeatedly called for an ease of processes for female-headed households to secure documents for themselves and their children,⁴⁷ however little progress has been made since 2019.

While much of the analysis on the additional barriers faced by women focus on female-headed households, it is important to note that gender dynamics also factor into access in households headed by men. One women's rights organisation noted that women they have worked with have felt unable to request or pursue processes to secure documents due to household power dynamics with their father, husband or other male relative.⁴⁸ Indeed,

44 IOM, *Access to Durable Solutions in Iraq: Experiences of female-headed households*, 2020.

45 DRC, *International Widow's Day: Interview with an expert in Iraq*, 23 June 2022.

46 Kurdistan Organization for Human Rights Watch (KoHRW), Findings from FGDs with IDPs in KRI, July 2021.

47 See for example: National Protection Cluster, *Protection Analysis Report: Right to Identity and Civil Documentation*, October 2021; NRC, IRC and DRC, *Paperless People of Post-Conflict Iraq: Denied rights, barred from basic services and excluded from reconstruction efforts*, 2019; Humanitarian Country Team, Background and Messages to the Government of Iraq and the Kurdistan Regional Government on the Draw-Down of Humanitarian Assistance in Iraq, March 2022.

48 Conversation with WRO working on civil documentation in KRI, Online, August 2022.

women without documents may face challenges asserting their rights in their families and during and after marriage, including for example in securing inheritance and alimony, which would greatly strengthen their ability to make decisions about their own lives after divorce or in other independent living situations.⁴⁹

In some cases, women who do attempt the process to (re)issue their documentation have reported instances of harassment and exploitation – including sexual harassment and exploitation – in accessing related offices and in associated travel.⁵⁰ When these instances occur, the channels for reporting or mitigating risks are very limited. Recommendations to address risks women may face in completing civil documentation processes have been communicated,⁵¹ though these are not necessarily systematised in engagement. Recommendations could include, for example, training and awareness raising for relevant actors engaging women throughout the process of renewing documentation, as well as stronger reporting and response mechanisms, and female officers present in relevant offices.

Risks of gender-based violence (GBV) also link closely to economic exclusion, with higher rates of poverty increasing threats of exposure.⁵² In fact, this economic exclusion links closely to female-headed households' access to documentation. Because of gender norms which largely limit the income-generating opportunities open to women, many female-headed households rely on their late husband's pension or public welfare systems for income. These are often their only source of financial support or state benefit, which are inaccessible without documents, yet without which they face additional challenges trying to make ends meet. As a result, humanitarian protection actors have noted that providing cash or livelihood assistance alongside legal interventions can support in reducing exposure to GBV, as well as providing women greater flexibility to pursue processes to (re)issue documentation.

More research is required to further understand the interaction between gender equality, GBV and women's access to civil documentation. Particularly, the policy and procedural systems associated with securing documentation in Iraq seemed designed in a way to require male relatives to act as proxies or directly support women to secure their rights and access services, denying women's agency and legal autonomy. There is a need to explore further integration of gendered analysis and broader engagement on women's rights and security – including with actors they may engage with as part of completing relevant processes. This could be achieved through exploring ways to increase the engagement of and partnerships with women's rights organisations, who are often better networked in the community and have greater understanding of the power and social dynamics at play.

49 As outlined in NRC, *Broken Home: Women's housing, land and property rights in post-conflict Iraq*, 2020: "[The] right to inheritance mahr (bride price), is essential to a women's economic independence. Mahr enables women to own a share of the property within the marriage, thereby making her a party to the marriage contract instead of an object for sale. Her right to receive and independently own nafaqa (alimony) greatly strengthens her ability to make decisions about her own life after a divorce.

50 Humanitarian Protection Assessment Findings: Ninewa and Salah al-Din, January 2022.

51 NRC, *Broken Home: Women's housing, land and property rights in post-conflict Iraq*, 2020.

52 Government of Iraq and UNFPA, *The National Strategy to Combat Violence against Women and Girls 2018-2030*, 2018.



Damaged housing in Salah al-Din.
Photo: Elysia Buchanan/DRC

Moving forward in a shifting landscape

*A woman receives counselling and legal assistance to obtain civil documentation for herself and her children.
Photo: Caroline Zullo/NRC*

Humanitarian assessments demonstrate that the resilience of displacement-affected populations has been severely eroded. This means that while progress has been made in meeting humanitarian needs since the end of the conflict with IS, these gains are fragile. This is especially true for IDPs and returnees without civil documentation, who remain some of the most vulnerable populations in the country.⁵³ At the same time, Iraq currently finds itself in a state of transition. The political situation in the country remains fragile, and negotiations surrounding the formation of a new government continue. Most recently, clashes broke out in Baghdad, resulting in at least 34 deaths, and injuring a further 700 others.⁵⁴ Following this, the UN “urged all parties and actors to engage, without further delay, in a peaceful and constructive dialogue to advance reforms and chart a constructive way forward.”⁵⁵

Once in place, Iraq’s new government will have a major role in setting aid response priorities going forward. It is widely recognized that this will require significant focus on rebuilding and strengthening services,⁵⁶ which should include action to facilitate access to documentation. However, it is important to note that until government formation processes conclude, there will be little movement on addressing the policy and systems level challenges outlined here. At the same time, the adoption of Ministerial Order No. 488 in August 2022 establishing a committee to issue civil IDs to orphans and homeless people and waiving the application fee of 250,000 IQD is a positive step, and shows that government action in the interim is possible. However, significant concerns remain around consistent local implementation of this Order throughout ongoing political stagnation. As a result, it will be even more important for the incoming administration to take urgent steps to address policy level and systemic challenges for displacement-affected populations to secure documentation, and address adequate resourcing for these. This includes particular action and attention to meeting the needs of the most vulnerable subsets of the population, as outlined above.

At the same time, while the aid response continues to wind down humanitarian interventions and coordination, the needs of displacement-affected populations lacking documentation must continue to be prioritised - both in terms of legal assistance and broader vulnerabilities they may face. In general, planning and strategies surrounding the transition of the humanitarian response have noted the importance of addressing this. However, further efforts are required to ensure that this focus is not lost in transition, as interventions aimed at facilitating access to civil documentation have generally fallen squarely in the remit of the humanitarian response to date. As part of humanitarian planning for next year [2023], relevant actors should include revisiting risks and gaps - especially among the aforementioned subsets of the population - that may have emerged as a result of shifts in broader political and the household-level economic dynamics.

The winding down of the humanitarian response also means that the Protection Cluster - the key actor to date for coordinating protection interventions - will be deactivated by the end of

53 OCHA, *Iraq Humanitarian Needs Overview*, March 2022.

54 Enabling Peace in Iraq Center, *Iraq Security and Humanitarian Monitor: August 25 - September 1, 2022*, 1 September 2022.

55 UN Security Council, *Security Council Press Statement on Iraq Unrest*, 1 September 2022.

56 *Briefing to the Security Council by SRSG Jeanine Hennis-Plasschaert*, May 2022.

2022.⁵⁷ Humanitarian protection actors and others will continue to implement some protection activities into 2023, which requires sufficient resourcing and coordination. The Protection Cluster, which is led by UNHCR, has been a critical avenue for coordinating engagement on civil documentation, including reporting directly to the Humanitarian Country Team (HCT) - made up of senior representatives of the humanitarian response - to take advocacy forward at a central level.⁵⁸ Indeed, while a number of recommendations have been elevated, it is challenging to understand the degree to which these have been taken forward on a policy and influencing level. In transition, the creation of the Protection and Human Rights Platform - set to lead engagement on civil documentation issues at a central level - has the potential to support increased higher-level advocacy. Exploring pathways for regular information sharing with other relevant bodies and clear linkages to sub-national operational levels will be necessary to ensure this engagement is informed, and coordinated across different levels and actors.

The creation of durable solutions architecture has provided a space for aid agencies, Iraqi civil society, and the Government of Iraq to jointly discuss the achievement of durable solutions for conflict-affected populations. However, there continue to be gaps in the capacity of these bodies in addressing protection issues and in the level of government engagement in these mechanisms, particularly in the Area Based Coordination Groups (ABCs). Efforts are underway to improve this, and should be maintained to ensure protection responses are - where relevant - effectively transitioned into the new architecture and emerging risks and gaps are effectively flagged. This should equally include clarifying the role of the Durable Solutions Taskforce (DSTF) - the high-level strategic and planning body of the durable solutions mechanism - in related advocacy, recognizing that this will likely become a key space for coordinating action by donors, UN agencies and NGOs on barriers to the achievement of durable solutions (in line with the body's Terms of Reference (ToR)).⁵⁹

In addition, as this brief has noted, civil documentation is a cross-cutting issue, with implications for the broader socio-economic wellbeing of households. Recognizing the shifting response - and resultant shift in international funding priorities - opportunities to interlink with other sectors should be explored. This could include elements of legal assistance in livelihood interventions - recognising the economic vulnerability of many of these households and restrictions on their access to social safety nets - or into peacebuilding programming, such as embedding engagement on improving access to documentation embedded in social cohesion. Overall, a shift in the priorities of the aid response may provide opportunities to explore new ways to address access to civil documentation, recognizing that without addressing residual caseloads these households are likely to benefit little from broader recovery and development initiatives.

International ID Day: Experiences from Nigeria

In 2019 - recognising that proof of identity is a fundamental right and practical necessity for securing other rights and freedoms - a coalition of aid agencies, government and public interest organisations came together to advocate for the adoption of 16th September (16/09) as International Identity Day. The choice of the date is symbolic, commemorating UN Sustainable Development Goal 16.9, which calls for the provision of legal identity for all by 2030, including birth registration.⁶⁰

Among the actors who have joined the campaign are a range of government agencies in Nigeria. In fact, that same year, the Federal Government of Nigeria became the first country in the world to officially recognise 16 September as an annual National Identity Day. Humanitarian protection actors report that since then - while challenges undoubtedly remain - the day has provided a clear moment around which to measure progress, stock-take on challenges, and mobilise coordinated action.⁶¹ This suggests that a similar move in other contexts could equally support in building momentum around civil documentation and legal identity. Indeed, since 2019, the federal government has brought together actors from the Office of the President of the Republic, the National Identity Management Commission, the Ministry of Communications and Digital Economy, and a range of other public, private and non-governmental actors to mark and plan for continued progress in advance the country's digital ID project.⁶²

57 OCHA Iraq, *Humanitarian Bulletin: Overview on Humanitarian Transition - May-June 2022*, June 2022.

58 Including through a series of Critical Protection Issues (CPI) notes and National Protection Cluster, *Protection Analysis Report: Right to Identity and Civil Documentation*, October 2021.

59 The TORs of the DSTF (March 2022) state that the group will "Develop and implement a coherent and joint advocacy strategy on behalf of displaced populations in support of durable solutions".

60 For more information see: <https://www.id-day.org/>

61 For example, on National ID Day 2021, a representative of the President of Nigeria announced the release of a feature that adds a layer of security for the country's National Identity Numbers (NINs) - a unique identifier issued to all Nigerians who register - to address data privacy and protection concerns. Additionally, the National Identity Management Commission (NIMC) announced on the same day a stakeholder consultation for a public awareness campaign on the value of digital ID. Dalberg, *Digital ID in Nigeria: State of the Industry*, 2022.

62 Ibid.

Conclusion

Many of the challenges reported for displaced populations in Iraq lacking civil documentation in 2019 remain the same today; and three years later, limited progress has been made on addressing the policy and legislative barriers to (re)issuing documentation. If anything, while there has been some progress in reducing caseloads, the situation has become more challenging due to the introduction of the Unified ID Card, a deteriorating economic situation for many households, the closure of formal camps changing how people access assistance and services, and new extra-legal requirements particularly affecting families with perceived affiliation. While there has been some success in facilitating access to documentation for many IDP and returnee households since the end of the conflict, the cases that are left are among the most complex - requiring time, resources, and clear, standardised and rights-based policies and processes to complete.

This report is not a comprehensive record of the challenges faced by IDPs and returnees in accessing civil documentation, not least of all as the specific dynamics and issues vary greatly from one area to another. While access to civil documentation remains a challenge broadly in Iraq - including for populations who have not been affected by displacement - IDPs and returnees are among those most at risk of exclusion as their lack of documents compounds other factors of vulnerability, such as accessing needed services. This is especially acute for households with perceived affiliation, IDPs in camps and informal sites, and other complex cases where specific social cohesion or security dynamics may be at play. The inability to access documents also has particular long-term ramifications for children who remain unable to enrol in school - further marginalising girls and boys that have missed out on years of education due to conflict and displacement. It is clear that without

improvements in access to civil documentation, hundreds of thousands of displacement-affected Iraqi families will remain in the margins, unable to access key services, achieve durable solutions, or benefit equally from broader efforts towards recovery and development.

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Experience over the past three years has demonstrated that context-specific action - which can recognize and address the specific dynamics of particular population groups or areas - are the most effective in addressing needs. However, it is clear that without action on broader systemic and policy-level barriers, it will be extremely challenging to address the remaining caseloads, reinforcing cycles of vulnerability and exclusion, denying thousands of Iraqis their basic right to legal identity, and threatening the country's broader inclusive development and stability. Times of transition also provide opportunities for change; it will be essential that this period is one which results in positive shifts for the one million internally displaced and returnee Iraqis who still lack documentation, and are otherwise at risk of continuing to live in the margins.



DRC staff deliver legal awareness training in Salah al-Din.
Photo: DRC.

Recommendations

The Government of Iraq

The Government of Iraq - in particular the Prime Minister's Office, the Ministry of Interior, Ministry of Justice and Ministry of Defence and the High Judicial Council - should urgently address outstanding policy level barriers to access to civil documentation, including allowing IDPs to complete related processes in their area of displacement, effectively de-linking access to documentation from security procedures, and removing requirements for DNA samples to secure documentation for a child. Equally, the Government of Iraq should take steps to build the capacity of and effectively resource related systems, including technical challenges associated with the roll-out of the Unified ID Cards. More specifically:

- Adopt September 16th as an annual National ID Day, starting from 2023. As noted above, experience from Nigeria shows that this provides a clear moment around which to measure progress, stock-take on challenges, and mobilise coordinated action.
- The Ministry of Interior should establish a clear appeals system for those who have been denied documentation as well as a safe complaints and reporting mechanism to allow for reporting technical challenges and irregular processes. These should be properly resourced, with clear investigation and follow-up procedures, and developed in close collaboration with protection actors.
- Allocate sufficient budget for strengthening the capacity and full functionality of CADs, including the staffing of mobile missions and temporary field offices. These allocations should also recognise the urgency of meeting needs to support the achievement of durable solutions - particularly in informal sites and where needs are high among displacement-affected populations - and that these systems have been significantly eroded by years of conflict and underinvestment.
- Adopt an exception on supporting documentation requirements for children born during the conflict who lack birth registration and whose families do not have security constraints. Experience from Lebanon - in which birth registration procedures were streamlined for Syrian children born during a set range - shows that this can be an effective way of meeting minimum documentation requirements to help children access education.⁶³
- Ensure that Ministerial Order No. 488 is consistently implemented by the courts and the Ministry of Interior to ensure that orphans, homeless people and people living in poverty are able to apply for civil documentation without fees, as per the terms of the recent directive.
- The Ministry of Interior and Displacement should formalise ease-of-access procedures for IDPs unable to access CADs and Courts with jurisdiction over their case, including expanding and systematising the use of Power of Attorney.
- The High Judicial Council should ensure that documents are issued in accordance with Iraqi law and that additional, extra-legal requirements, such as multiple DNA samples, and security clearances are not incorporated into application procedures. This should include issuing a directive overturning Court of Cassation decisions that are contrary to Iraqi law, and ensuring that Courts implement the directive.
- Standardise procedures for the issuance of death certificates and marriage certificates for men who disappeared during the conflict, including the issuance of alternative means of community verification through the community (mukhtar letter, for example).

63 UNHCR, [Lebanon eases birth registration rules for Syrian refugees](#), 2018.

The United Nations

The UN should continue - and scale up - support to building government capacity and strengthening institutions, as well as undertake concerted advocacy on civil documentation. More specifically:

- Continue to support the Government of Iraq in building capacity and strengthening institutions related to the (re)issuance of civil documentation, including through increased funding and supporting the development of clear Ministerial plans in this regard.
- UNHCR and OHCHR, as co-leads of the Protection and Human Rights Platform, should ensure:
 - Technical support and guidance to public institutions on civil documentation is a key priority for the group upon inception.
 - There are clear links with the sub-national and operational level, and this informs advocacy and guidance at the central level. At a minimum, this could include information-sharing links with the ABCs, including regular inputs from these groups on progress and challenges in security documentation.
 - NGOs and other operational actors are effectively able to feed into the work of the group - particularly in terms of advocacy. This could include a 'workstream' approach on civil documentation to support further learning and inputs from operational actors, especially to inform strategic direction and work on inception.
 - Ensure clear linkages and coordination with DSTF and HCT, particularly for joint and coordinated advocacy.
- The Protection Cluster should, as part of transition planning, undertake coordination efforts with the Ministry of Interior to lay the groundwork for a process and/or identification of a focal point for member mobile mission planning in key areas.
- OCHA and UNHCR - as the lead agencies for humanitarian access and protection, respectively - should explore strengthening links between humanitarian access processes and the freedom of movement for undocumented populations. This could include through increased focus in the revised strategy of the Humanitarian Access Working Group, and clear linkages with the Protection and Human Rights Platform upon inception.
- UNDP, ILO and other relevant agencies, in their engagement on strengthening social protection schemes, should incorporate efforts to ensure that populations without documentation and those who recently secured documentation are able to access these schemes and register for social welfare benefits.
- UNFPA and UNHCR - in collaboration with women's rights actors - should support the development of clear mechanisms for reporting and addressing reports of sexual and other harassment, exploitation and abuse. This includes building the capacities of relevant authorities in this regard.

The leadership of the aid response systems and mechanisms, particularly the HCT and DSTF

Aid response systems and mechanisms - including humanitarian and durable solutions architecture - should take steps to ensure that civil documentation and the needs of undocumented populations continue to be prioritized and addressed in the response. This includes:

- The HCT should ensure that access to civil documentation is maintained as a priority and indicator of vulnerability for 2023 humanitarian planning, including within the 'Light Response Strategy Paper'. This includes prioritisation of legal assistance funding and interventions, as well as emphasis on the broader vulnerability of these populations, whose lack of documentation may mean continued or heightened needs in other sectors.

- The HCT and DSTF should prioritise informal sites in planning and response, including in the work of the ABCs and the selection of areas for mobile missions and temporary field offices.
- Pending the establishment of the Protection and Human Rights Platform, the HCT and DSTF should step up engagement on civil documentation in the lead up to transition, with a focus on key benchmarks and commitments (e.g. legislative or procedural changes, public commitments or directives) and targeted advocacy and recommendations in order to effectively inform transition risk and gap assessments.
- The DSTF, particularly, should seek to strengthen concerted advocacy on civil documentation as a key barrier to and intervention required for securing civil documentation. This is especially true as the role of the HCT winds down, with the DSTF emerging as a clear space for coordination and planning of joint UN, NGO and donor engagement.
- In line with this, the DSTF should ensure clearer information sharing on outcomes of engagement with government at central levels in these forums - including in terms of commitments and clarifying directives - to support engagement at the sub-national level and monitor the achievement of benchmarks in transition planning.
- Explore opportunities to strengthen interlinkages between access to civil documentation and other key sectors, including livelihoods and social cohesion. This could include through strategic discussions in relevant forums (such as the Peace and Reconciliation Working Group, Emergency Livelihoods Cluster, Cash Working Group, and the Durable Solutions Technical Working Group (DSTWG)) to ensure these opportunities are further incorporated into transition planning and programming.

Donors and diplomats working in and on Iraq

Donors and diplomats should continue to support work on civil documentation, and ensure that related needs are highlighted and action is called for as part of their engagement with the Government of Iraq. This includes:

- Continuing to support cash assistance programming, including those linked to protection and legal assistance, with particular emphasis on support to women-headed households and households in informal sites. This is particularly important as a key barrier to renewing documentation remains affordability, and undocumented households are unable to access alternative social support systems.
- Maintaining funding for legal assistance and legal awareness programming, including for populations living in informal sites.



*A woman receives legal assistance to obtain civil documentation for her son in Anbar governorate.
Photo: Caroline Zullo/NRC*

- Step up dedicated engagement with the Government of Iraq on policy level barriers to the achievement of durable solutions, and - recognizing concerted action requires political will from the highest level - encourage reforms in Iraq's civil documentation system when in dialogue on stabilisation, recovery and reconstruction.
- Provide funding for capacity strengthening of CADs, with particular focus on data management, protection mainstreaming, internal HR processes and management, and rights-based legal obligations of staff.
- Ensure that funded projects are resourced to integrate gender analysis and gender outcomes.

Programmatic recommendations to response actors

Programmatic response actors, including NGOs should ensure the experiences of affected populations inform programming and engagement, and explore opportunities to integrate gender and cross-sectoral considerations into interventions. More specifically:

- As far as risk and confidentiality considerations allow, share protection assessments, specific incidents, and operational challenges linked to displacement-affected populations' access to civil documentation through existing channels to ensure this effectively informs strategy, planning and engagement, and - in this regard - actively contribute in associated strategy, advocacy and coordination forums.
- Explore integrating access to civil documentation consideration and activities into livelihoods and social cohesion programming, in close consultation with protection colleagues.
- Explore opportunities to further integrate gendered analysis and gender equality aims into their programming, including building meaningful partnerships with women's rights organisations.
- Together with other actors - such as the UN, local government actors, and response coordination mechanisms - support and inform estimates in terms of staff and resources for CADs and other relevant institutes to operate at full capacity, including to effectively resource mobile missions and temporary offices.
- Undertake localised protection and context analysis ahead of interventions, to inform program targeting and strategies. With the shrinking response capacity, there will be increased need for the provision of tailored services and advocacy to address the most complex remaining caseloads.



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