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PAPERLESS PEOPLE OF POST-CONFLICT IRAQ

Denied rights, barred from basic services
and excluded from reconstruction efforts



NORWEGIAN
REFUGEE COUNCIL



WE ARE THERE



The Danish Refugee Council (DRC) was founded in Denmark in 1956, and has since grown to become an international humanitarian organisation with more than 7,000 staff and 8,000 volunteers. DRC works in conflict-affected areas, along the migration routes, and in the countries where refugees settle. In cooperation with local communities, we strive for responsible and sustainable solutions. DRC works toward successful integration and – whenever possible – for the fulfillment of the wish to return home.

The International Rescue Committee (IRC) responds to the world's worst humanitarian crises, helping to restore health, safety, education, economic wellbeing, and power to people devastated by conflict and disaster. Founded in 1933 at the call of Albert Einstein, the IRC is at work in over 40 countries and 26 U.S. cities helping people to survive, reclaim control of their future and strengthen their communities.

The Norwegian Refugee Council (NRC) is an independent humanitarian organisation helping people forced to flee. In crises across 31 countries, NRC provides emergency and long-term assistance to millions of people every year. NRC promotes and defends displaced people's rights locally, nationally and on the world stage. NORCAP, NRC's expert deployment capacity, helps improve international and local ability to prevent, prepare for, respond to and recover from crises. NRC also runs the Internal Displacement Monitoring Centre in Geneva, a global leader in reporting on and advocating for people displaced within their own countries.

The Cash Consortium for Iraq (CCI) was established in 2015 to enhance the impact of multi-purpose cash assistance (MPCA) delivery, fostering closer operational cooperation, and expanding geographical reach. The CCI is made up of five implementing partners, led by Mercy Corp and includes DRC, IRC, NRC, and Oxfam. Since its establishment, the CCI has reached 75,000 vulnerable households (approximately 450,000 individuals) with MPCA across Iraq.

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Front Cover: Hana, a mother of seven, said “Three of my kids don’t have birth certificates or any legal documents as they were born under IS group. For the government, they don’t exist. They can’t leave the camp or receive medical care.” She says, “My 2 year old child has breathing issues and asthma, due to the harsh weather conditions.

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Hussein's house is at the heart of the Old City of Mosul, which was massively destroyed during the military operations to retake the city from IS group.

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INTRODUCTION



During the conflict with the Islamic State group (IS), 6 million Iraqi citizens were forced to flee their homes. Since the end of the conflict, more than 4 million have returned home, while 1.7 million people still live in displacement. These families struggle to access basic services and face often insurmountable roadblocks

to either returning home or rebuilding a life elsewhere. Many, whether still in displacement or returned home, are unable to enjoy their rights as Iraqi citizens and fully engage in the recovery and reconstruction of post-conflict Iraq. A foundational reason for this is they do not have proof of their legal identity. Some people lost their documents as they fled their homes; others had them confiscated by various parties to the conflict; and yet others were issued IS documentation, which is of no value now. These paperless people, as a result of lacking critical state-issued civil documents, such as birth certificates, marriage certificates, nationality cards and civil IDs, find themselves denied human rights, barred from a range of public services and excluded from recovery and reconstruction efforts.

Local and international humanitarian agencies like the Norwegian Refugee Council (NRC), the Danish Refugee Council (DRC) and the International Rescue Committee (IRC) have collectively helped tens of thousands of Iraqis over the last few years obtain, renew, or replace civil documents lost as a result of the most recent crisis. However, an estimated 80,000 families across the country still have family members missing at least one civil document.ⁱ The number of children missing documents is likely much higher. At least 45,000 displaced children living in camps alone are estimated to be missing birth certificates. Without these essential civil papers, they are at risk of statelessness and find it incredibly difficult to access services such as education and healthcare.ⁱⁱ

This report, based on research conducted by NRC in partnership with DRC and IRC, through the Cash Consortium for Iraq (CCI)ⁱⁱⁱ shows how a significant portion of Iraqi families living in urban areas formerly under IS control are being denied basic services because they are paperless. They are barred from accessing rights-based public services such as education,

healthcare, the state justice system and social welfare. Lacking the proper papers also severely restricts their ability to recover and rebuild their lives following the war – it limits access to formal employment, government schemes for compensation for damaged housing, and opportunities to own or rent property. Adding to this, key human rights are also denied to people without papers, such as freedom of movement, and the risk of arbitrary detention and arrest is significantly increased. In short, the prospects for paperless people in post-conflict Iraq are disheartening. They risk becoming a new group of marginalised Iraqi citizens, isolated from the rest of society. The denial of their rights and resulting exclusion undermines opportunities for social cohesion and stability in Iraq.

Analysts and experts who have followed Iraq over the past years have recently highlighted how many of the structural issues that led to the exclusion and marginalisation of certain segments of Iraq's citizenry and may have contributed to the rise of IS, remain unaddressed today.^{iv} Those not able to obtain civil documents are effectively denied access to a notable portion of Iraqi recovery and reconstruction efforts. The Iraqi government and the international community continue to invest in the restoration of public services and institutions, and some aspects of reconstruction have begun. Reconstruction efforts will all be of little benefit however, to people who remain paperless. Efforts must be made to ensure those most severely affected by the conflict have the civil documents required to benefit from this investment. Without this, rhetoric on Iraq's inclusive road to recovery and reconstruction will be naught in reality.

RECONSTRUCTION AMBITIONS

A few months after the Iraqi government declared 'victory' over IS, the Government of Kuwait hosted an international reconstruction conference, aimed at mobilising international assistance and investment to support Iraqi reconstruction efforts. Of the USD 88 billion that the Iraqi government and its international partners estimated that was needed for recovery and reconstruction, over USD 30 billion was pledged.^v

While not all of the pledged funds have materialised, since the conference, limited funds have been provided to restore public services, rebuild Iraqi institutions and reconstruct Iraqi cities destroyed by IS and the internationally-backed military campaign to defeat them. For example, to date, the European Union (EU) has allocated approximately 129 million Euros of its Kuwait conference pledge.^{vi} The United Kingdom (UK) recently announced its contribution to a new fund that would support job creation and the reconstruction of infrastructure.^{vii} Saudi Arabia has made efforts to re-establish and strengthen diplomatic and economic ties with Iraq, and recently pledged a USD1 billion loan.^{viii} For its part, the World Bank, through its partnership with the government on the Iraq Social Protection Strategic Roadmap, has focused on social safety net programmes, livelihood creation and cash assistance in liberated areas as well as 'support for vulnerable and marginalised groups, helping to address some of the root causes of violence.'^{ix} Iraq also remains one of the world's biggest recipients of Overseas Development Aid (ODA) provided from a wide range of countries.^x International financial institutions have also contributed to Iraqi reconstruction effort and the Iraqi government has also made some attempts at attracting international investment to the country, albeit with limited success.

MINIMAL PROGRESS TOWARD RECONSTRUCTION

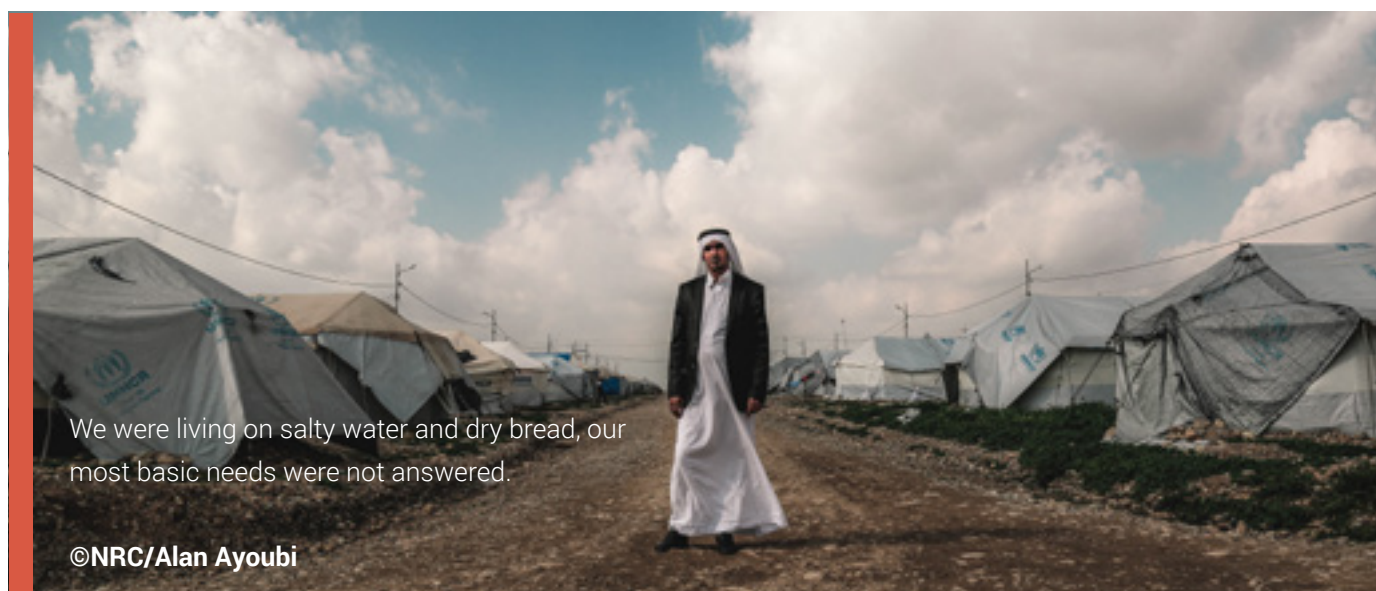
The fact that reconstruction pledges and ambitions are yet to fully materialise has not gone unnoticed by those most affected by the conflict. Iraqi citizens are frustrated and have expressed resentment with respect to the slow pace of reconstruction efforts. This has not been helped by the fact that in addition to limited funding, Iraq's reconstruction efforts have been fraught with allegations of corruption and fraud.^{xi} This is true also in relation to responses to earlier waves of conflict, as well as to the most conflict with IS. In decimated cities like Mosul, residents today believe that a significant portion of the 'reconstruction' has been led by Iraqi local citizens trying to do the best they can with limited resources.^{xii} While some international and Government of Iraq-led reconstruction efforts have been made, these can seem like a drop in the bucket.

Coalition members, such as the United States of America (US), the UK and others, as well as multilateral donors and financial institutions such as the World Bank have contributed to support recovery and stabilization. They are joined by agencies who have started work on reconstruction such as UNDP, who have worked for the last two years on infrastructure reconstruction, livelihoods opportunities and

access to basic services and "increasing confidence in state institutions."^{xiii} That said, the needs of Iraq are monumental; many remote areas have seen almost no reconstruction whatsoever, and more than 1.7 million people remain displaced. Many of the four million people who have returned home are faced with poor public services, damaged houses, entire villages that remain rubble, and jobs that are few and far between. However, even if meaningful support for reconstruction efforts scaled up, the extent to which paperless people are able to benefit from and be included in these early reconstruction efforts is limited, at best.

THE IMPORTANCE OF LEGAL IDENTITY

The lack of legal identity and related civil documentation for Iraqis who lived under, or fled from IS rule presents a significant barrier to exercising their full rights as Iraqi citizens. The right to be recognised as a person before the law is one of the most basic human rights, enshrined both in international and Iraqi law. Having a legal identity enables someone to hold other rights under the law; to have a nationality and freedom of movement, and to access a range of basic services such as education, healthcare and adequate housing.



We were living on salty water and dry bread, our most basic needs were not answered.

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TERMINOLOGY

Legal identity: While there is no internationally agreed definition of 'legal identity', it can be understood to mean the recognition of a person's existence between the law, or the 'right to have rights', to which everyone is entitled. Legal identity is based on principles of human rights law, which affirm that people should not be discriminated against on ground of their legal identity, or lack of proof or evidence of their legal identity.

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. In practise, to claim and exercise the right to legal identity often requires proof of such, through civil documentation.

Civil ID: Officially referred to as the Civil Status ID, this is one of the most important official documents in Iraq and serves as one of the main sources of identification for Iraqi citizens. It is issued through Civil Status Affairs Directorates at the governorate level (under the Ministry of Interior) in accordance with the Civil Status Law No. 65 of 1972, and the Civil Status System Law No. 32 of 1974.

Nationality Certificate: The nationality certificate is another key document proving Iraqi citizenship. It is issued through the General Nationality Directorate at the governorate level, under the Ministry of Interior. It is issued in accordance with the Iraq Nationality Act No. 26 of 2006, also known as the Citizenship law.

Unified National ID Card: The new unified national ID card, only recently begun to be issued in Anbar, replaced the separate civil ID and nationality certificate. It also includes biometric data such as retinal scans and fingerprints.

Public Distribution System (PDS) card: The Government of Iraq has a Public Distribution System, which provides a monthly food ration to all citizens of Iraq. Under this system, each Iraqi is eligible to receive a monthly ration basic food item in exchange for a nominal fee. PDS cards are issued to the head of household, and contain a list of the names of all members of the household. It is managed by the Ministry of Trade.

Housing Information/Residency Card: Housing Information Cards are proof of an individual's place of residence and must be routinely presented as part of the application procedure for other identity cards and for access to a range of services. It is issued to the head of the household, under the Ministry of Interior.

“Those who do not have money return because they have no other option. They will live exactly how we live. I have 5 children and we live in this basement room. We eat, drink and sleep here.”

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RESEARCH METHODOLOGY

NRC, in partnership with IRC and DRC conducted the first mixed methods study on civil documentation and access to services in Iraq. The research was conducted in Anbar, Ninewa, and Salah Al-Din governorates. Six focus group discussions (FGDs) in each governorate (three for male and three for female participants), totaling 18 across all three governorates were conducted. This was complemented by five key informant interviews (KIIs) with local authorities, line ministries, business owners, and education officials in each governorate.

A quantitative survey was conducted over the phone with 1400 Iraqis, including internally

displaced persons (IDPs), returnees, and those who never left. In order to compare the experiences of Iraqis missing ID and those who are not, a purposive sampling approach, using household data from each organisation's legal assistance programming, was used to conduct surveys among those missing ID, combined with simple random sampling of those not missing ID from CCI household vulnerability assessments. Three samples representing those missing documentation, missing but subsequently recovered documentation, and who had never been missing documentation were compiled. The confidence interval of 90% with a 7% margin of error at the governorate level, which increases to a higher level of precision at the national level.

Mohammad attends schools with his brother in Al-Qaim in Anbar governorate. The Ministry of Education issued a directive undocumented children to attend school, however this is not applied consistently, leaving thousands of children barred from an education.

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**EXCLUDED FROM
PUBLIC SERVICES
AND INSTITUTIONS**



A combination of the civil ID and other state issued documents, including the Public Distribution System (PDS) card, nationality card, and housing card, are required to access a range of public rights-based services in Iraq. While the application of the official requirements varies across governorates

and districts, this research shows how many paperless people are consistently denied their most basic rights as Iraqi citizens, including access to services like education and medical services, and government-led social protection programs.

EDUCATION

Despite some efforts to remedy the situation, many undocumented children in formerly IS-controlled areas are not able to obtain an education. In 2018, Iraq's Education Cluster, in partnership with UNICEF and humanitarian agencies delivering education services, advocated for a ministerial directive that would allow undocumented children to attend school. Despite a directive subsequently issued by the Ministry of Education,^{xiv} a number of education officials interviewed reported being unaware of the directive. The types of civil documents education officials reported being required to formally attend school also varied. For example, one staff member of the Directorate of Education in Salah Al-Din said that only the students' civil ID was required to attend, while an official in Anbar said that the student's civil ID, alongside that of the children's father and mother were required. If the student's father's ID was unavailable, then a death certificate was expected to be submitted instead. Obtaining a death certificate in the present context entails an incredibly lengthy, expensive and difficult process.

For those officials who were aware of a directive, there appeared to be discrepancies at the local level with respect to understanding the content of the directive. One education official in Anbar reported that he had been specifically instructed not to allow children without documentation to attend school. He added however, that it may be possible to convince the Directorate of Education to agree to the children

attending if the parents pledge to bring the documents at a later date.

Unsurprisingly, perceptions and experience reported by Iraqi citizens also varied significantly when asked what official documents were required to register children in school. For example, in a focus group discussion conducted in Mosul city, parents believed that a combination of all four civil documents (civil ID, nationality card, housing card, and PDS card) were required. In fact, more than half the respondents surveyed in Anbar, Ninewa, and Salah Al-Din reported that a woman was unable to register her child in school using only her papers. Nearly half reported that the father's civil ID was also required to do so, and that the father's death certificate would be required, if he is deceased. Strikingly, only 1% of all respondents believed that children could attend school without documentation.

Almost one in every five Iraqi households who reported having children who lacked papers said their children were denied access to education.^{xv} This was more prevalent in Anbar, where nearly a third of respondents whose children were missing documentation were unable to register their children in school^{xvi}, compared to 20% in Salah Al-Din and 14% in Ninewa. In short, the combined impact of the Ministry of Education's policy, lack of enforcement of the 2018 directive and parents' and headmasters' understanding of the government's requirements to register has meant that many children in areas formerly controlled by IS continue to miss out on an education. A generation of children born under IS continuing to grow up without education will have a significant impact in the future.

UNABLE TO ATTEND SCHOOL IN CAMPS NEAR MOSUL

Nada, a mother of seven, originally from Qayyara district in Ninewa, now lives in a camp near Mosul. She lost her documents, including her marriage certificate, her civil ID, and the IDs of five of her children when she was fleeing from the fighting. Nada's husband abandoned her and her children and got remarried shortly after they arrived in the camp. Nada has not heard from him since. She is unable to get her children's civil IDs reissued as she first requires proof of lineage (akin to a birth certificate). Without the civil ID of the father, she is not able to get that for her children. Also, the high transportation costs to reach the civil directorate office make it very difficult. It is difficult for her and her children to move outside the camp.

The only government services available in the camp, such as schooling and social assistance to female headed households, are barred to Nada and her children because they are paperless. The government-run school in the camp requires children to provide documentation to enroll and government assistance is only distributed to those with up-to-date IDs. The way Nada and her family survive is solely through in-kind aid she receives from NGOs; which she says she's often forced to sell to simply feed her family. She says, 'My children lost their future and their dreams.'

Even when children were found to be able to attend school without documentation, many families said that their children were at risk of being expelled if the correct documentation was not submitted to the school directorate before the end of the year. They may also be unable to

take examinations or access their final grades. As a result, even if they manage to attend school, children without documentation are at higher risk of being forced to drop out or not being able to graduate later on. Several parents also said they could not obtain transcripts from schools in areas of origin, which also prevented them from accessing education in areas of displacement.

HEALTHCARE

People without papers are also being denied full access to healthcare. According to the Ministry of Health in Baghdad, with the exception of in-patient treatments, access to health care and medical assistance does not officially require civil documentation.^{xvii} Unfortunately that is not the practise in reality. While civil IDs were not required for routine medical visits, interviews conducted with both residents and health officials in Ninewa, Anbar and Salah Al-Din nearly unanimously reported that the civil ID is required for surgeries or major procedures. Some residents of Mosul believed that civil ID, in addition to a housing card, is required for emergency procedures.

Almost a quarter of people without documentation in Anbar, Ninewa, and Salah Al-Din reported being denied access to healthcare.^{xviii} This was found to be particularly acute in Ninewa, where 36% of those reporting missing documentation being denied access to healthcare, compared with 14% in Anbar. Iraqis interviewed also pointed to the cost of healthcare as an additional barrier, on top of the general lack of functional healthcare facilities in Ninewa and medical supplies available in Salah Al-Din. More than 90% of those who reported being denied access to healthcare said that the civil ID was necessary for surgery and complex procedures or treatment.

CHILDREN'S HEALTH

Paperless people are not even able to give birth to their children in a hospital, or obtain birth certificates. While there was variance across governorates in regards to the combination of civil documentation required to deliver in a hospital, the civil IDs of both the newborn's father and mother was unanimously cited as a requirement, as well as a state-issued marriage certificate, if the civil IDs did not have the updated marital status. In Salah Al-Din, some members of the focus group discussion said that the four primary IDs - civil, national, PDS, and residency cards - are required to give birth in a hospital.^{xix} One respondent in Mosul pointed out that medical professionals may even draw suspicion of perceived affiliation with IS against individuals or a couple who showed up at the hospital without documentation.

WOMAN UNABLE TO GIVE BIRTH IN A MOSUL HOSPITAL

Eman, a woman from west Mosul whose husband was missing, could not give birth in two different hospitals because she did not possess a valid civil ID or a marriage certificate. She was questioned about whether her husband was affiliated with IS or if her child was conceived outside of a marriage. The hospital staff also threatened to keep her new born in the hospital until the father presented himself. Eman gave birth at home without a doctor or midwife for support. Her daughter, Abeer, is now more than a year old and still does not have a birth certificate or any other form of ID. Her daughter recently fell ill and Eman wanted to take her to a hospital in one of the camps, hoping they had less stringent documentation requirements. However, she was unable to pass through the checkpoint on the way to the camp.

In Iraq, both the father and mother's IDs are required to register a birth. Failure to provide these, along with a state-issued marriage certificate, causes significant barriers to birth registration.^{xx} In most cases, a hospital will refuse to register a birth if both the mother and father's IDs are not present, or – if the father is deceased – a formal death certificate is not available. If a certain number of days passed without obtaining the birth certificate, the parents would have to try and solve the issue by applying to the Personal Status Court.

HOUSING, LAND, PROPERTY AND RESIDENCY RIGHTS

Paperless people have limited options to secure a home free from the fear of eviction. It is significantly more difficult for them to get formal rental agreements, own property, take a property case to court, or be compensated by the government for property that was damaged during the conflict. Respondents who were missing civil IDs were less likely to own the properties they were residing in, or to have contracts for property they were renting, placing them at increased risk of eviction. About 80% of respondents missing documentation reported not having a rental contract at all, compared to 65% of respondents with civil documentation.

Almost unanimously, the local tribal official, known as the mukhtar, was cited as a significant interlocutor across governorates in relation to housing, land and property rights. In Mosul city, in particular, residents said that a mukhtar would not agree to a rental or validate a contract without valid civil ID. Different types of documents were reported to be required to rent a home. In Mosul, Tikrit, and Ramadi, individuals interviewed said that the tenant must first obtain approval from the mukhtar. They must also provide the mukhtar the head

of household's four civil documents, which are then submitted by the mukhtar to the local intelligence office, for a final approval. This was confirmed by members of the Baiji local council and compensation committee who said that the four main civil documents (civil ID, national certificate, housing card, and PDS card), alongside household-level security clearance, as well as approval from the local mukhtar and intelligence office were all required to rent a home with a rental contract in that area.^{xxi} They also reported that without these, the only way people could protect themselves from eviction was to have a verbal contract with the landlord. That said, they noted that such people were still in danger if the local security/intelligence forces searched the property and without the requisite documents and security clearance they may face not only eviction, but also detention or arrest. All of these documents were also reportedly required to take a housing or property dispute to court.^{xxii}

In Mosul, residents reported cases where people had not been allowed to rent properties if the mukhtar had issues with someone's family member, sometimes due to pre-existing issues of revenge or animosity towards a particular family. If the mukhtar was not familiar with a family who wanted to rent a home, two witnesses would be needed, in addition to the mukhtar's approval, to attest that the family in question was not affiliated with IS. There is general suspicion of anyone who cannot obtain a mukhtar's approval for any HLP transaction, including the fact they are assumed to then lack the requisite civil papers.

OBSTACLES FOR WOMEN TO CLAIM HOUSING, LAND AND PROPERTY RIGHTS

Paperless women-headed households face additional obstacles in claiming housing, land or property rights because their names are often not listed on property title deeds. This poses a challenge when a woman's husband is either missing or deceased, and the woman is unable

to obtain a state-issued death certificate, or in any way prove her inheritance, compensation or ownership rights – although they are enshrined in Iraqi and Shari'ah law. For example, one woman in Salah Al-Din mentioned that she was unable to open a case file for her property without her husband's signature or fingerprint.^{xxiii} In the case of a missing or deceased husband, a death certificate is required to engage in almost all housing, land, and property rights-related transactions at the directorates.

WOMEN UNABLE TO CLAIM FAMILY PROPERTY

In NRC research on women's housing, land and property rights, a group of male IDPs from Mosul, Tel Keif and Tal Usquf in Ninewa expressed confidence that their property rights would be respected when they returned. However, when asked whether a woman could also regain access to family property if her husband is no longer around, they all said no, citing a range of reasons. They said that women would not be able to follow the government processes and procedures to secure the property, including through inheritance, without the required property documentation and civil papers. They said that she did not have the ability, saying "it's hard to manage properties, and to think about things like rent or selling. It is better for her to give property to her male relatives to manage."^{xxiv}

PUBLIC DISTRIBUTION SYSTEM (PDS) AND SOCIAL SAFETY NET

People without papers are not able to benefit from the significant investment into Iraq's social system. Administered by the Ministry of Trade, Iraq's Public Distribution System (PDS) is

the world's largest universal, non-contributory social transfer programme. Every Iraqi earning less than 1 million IQD on a monthly basis who is not a government employee is entitled to receiving a monthly food distribution through the PDS, which includes flour, rice, sugar, beans and cooking oil. A household PDS card from the area of origin of the head of household is needed in order to access this public service. In order to obtain a PDS card, a civil ID and residency card are needed. Updating an existing PDS also requires a marriage, birth or death certificate, as relevant to the changing family composition. As the PDS card contains key personal information, it is also widely used as an identity document, in addition to its intended use as a ration card.

TYPES OF ASSISTANCE PROVIDED BY THE MINISTRY OF LABOUR AND SOCIAL AFFAIRS

Social Safety Net: Provided to individuals without any salary or income, and not working for a governmental agency. The main recipients are female headed households, households with lack of or no income, and unemployed individuals. When the case is approved, the family is granted assistance for one year, after which, the case is reassessed. The allowance is provided on a quarterly basis for a total amount of 270,000 to 315,000 IQD (dependent upon family size) every 3 months for one year.

Unemployment Assistance: Provided to any individual without a job or income between 18 and 45 years old. Request for registration is online, open all year long, with the possibility of choosing between a loan of money, a donation of material/supplies or vocational training.

Disability Allowance: Provided to any

individual who can provide a medical certificate that proves he or she is the caregiver of a person with a disability rate above 50% is entitled to register. The caregiver of the person with a disability then receives a quarterly allowance of 105,000 IQD.

Social safety net services are provided by the Ministry of Labour and Social Affairs (MoLSA) for low-income families, unemployed and disabled people. To qualify for this ongoing cash assistance, applicants require the civil ID and nationality certificate for all household members, as well as a residency card. That said, registration for MoLSA cash assistance has been closed since June 2016, and no reliable forecasts have been provided as to when it will re-open.

CHILD WITH MENTAL DISABILITIES IN HAWIJA DENIED HEALTHCARE

Ahmed's son Mithaq, who is 5 years old, was born in Hawija under IS group occupation and was unable to obtain a birth certificate or civil ID. He was born with a disability and requires specific care. Due to his lack of documents, he is neither accepted in hospitals for treatment nor eligible for the disability allowance. The family's movement is also restricted due to a lack of papers. "Because he has no papers, we can't get him appropriate medicine. We can't move from Hawija for the same reason, so he is condemned to stay here without treatment," says his father. On top of that, Ahmed is also unable to obtain specific assistance provided by MoLSA for caretakers of people with disabilities.

PDS REGISTRATION FOR INTERNALLY DISPLACED PEOPLE

Many FDG participants reported difficulties getting a new PDS card due to secondary displacement. For example, some people who were previously displaced in Kirkuk governorate, and were being issued temporary PDS cards, when later being displaced in Tikrit, they were refused new PDS cards unless returning to their area of origin. Consequently, some of the participants have to try and rely on their old PDS cards (issued from their area of origin before displacement), while others reported not having any PDS cards.

Similarly, IDPs originally from Salah Al-Din governorate reported not being able to register any change – including new children or a change in marital status – after they obtained their ration card (tamwinia) though their displacement. They were being issued a temporary ration card by the Ration card center of Salah Al-Din, while their original ration card that was issued prior to displacement is now frozen.

ACCESS TO JOBS

Job opportunities in the formal sector for people without papers are extremely limited. The most common obstacle to formal employment identified by respondents was the general lack of job opportunities, including in cities like Mosul or Ramadi. The majority of people who were surveyed across Anbar, Ninewa, and Salah Al-Din governorates reported being unemployed. Those who did have a job said it was daily work, within Iraq's large informal sector. Those who had work explained that the wages were insufficient to live a dignified life.

A combination of the civil ID, PDS card and residency card were frequently mentioned

participants in FDGs - whether still displaced or having returned home - as being required to secure employment, particularly in the formal sector. This suggests that if more jobs and small business opportunities become available in the future, whether through potential foreign investment or World Bank or UNDP job creation schemes in the formal market, lack of civil documentation would be a significant barrier for paperless people benefitting from these.

In focus group discussions with displaced men from Al Senya sub-district, Baiji, and Hawija residing in Tikrit in Salah Al-Din, it was reported that common misconceptions of IDPs and their areas of origin affect their access to livelihood opportunities. They also said that the fact that they were IDPs put them at increased risk of exploitation, and they received lower wages than members of the host community.

EMPLOYMENT AT OIL REFINERY IN BAIJI

Individuals interviewed in Baiji reported that while many youth applied for jobs at the Oil Refinery in Baiji, their applications were rejected due to the fact that governmental institutions require the four standard ID documents, together with security clearance. One male interviewed mentioned that specific employment opportunities within the Oil Refinery (construction/ maintenance work being under daily labour contracts) are subject to obtaining a security check from the Ministry of Oil in Baghdad, through coordination with the National Security Directorate in Baghdad.

FREEDOM OF MOVEMENT

Enjoyment of basic human rights, such as the freedom of movement, is denied to paperless

people in Iraq. Most people reported that a combination of the civil ID and security clearance was required to pass through checkpoints in areas formerly controlled by IS. In focus group discussion, people also linked this to fear of arrest or detention at checkpoints for those without documentation.

In Mosul city, displaced people, returnees, and those who never left noted that significant delays in renewing their civil documents rendered them trapped where they were, due to fear of arrest or detention if they tried to pass through a checkpoint without documents. In these cases, the curtailed freedom of movement resulted in people being able to travel for work, leaving them without an income source. In Salah Al-Din, people reported facing difficulties traveling from Baiji to Tikrit as checkpoints do not recognise 'security clearance' issued by the Intelligence Office of Baiji. Some reported requiring an additional 'security slip' from Tikrit or sponsorship from a resident of Al-Alam, or having to leave their civil IDs at the checkpoint in Al-Alam if staying more than a day.

THE RIGHT TO FREEDOM OF MOVEMENT

The right to freedom of movement is enshrined in the Iraq Constitution (2005) in two articles. Article 44(1) guarantees the right to freedom of movement, travel and residence for every Iraqi. Article 24 obliges the Iraqi State to guarantee freedom of movement of the Iraqi workforce. This is in keeping with Iraq's international legal obligations under the International Covenant on Civil and Political Rights. In addition, the Iraq National Policy on Displacement (July 2008) re-iterates the right of all displaced people to enjoy freedom of movement (paragraph 6.9), reflecting Iraq's obligations under the Guiding Principles on Internal Displacement.

A close-up, profile shot of a woman wearing a red hijab. She is looking towards the right side of the frame. The background is a blurred view of green trees and foliage, suggesting an outdoor setting. The lighting is soft, and the overall tone is contemplative.

Baedaa, 26 years old from Mosul city, lost her father's death certificate as she, her mother, and four children fled their home during the military operations to retake the city from IS group. Their home was partially destroyed, but have not been able to fix it or sell the property to find a better place to live because the home's title deed is under her father's name. A death certificate would enable his surviving family to inherit his property.

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BARRIERS TO SOLUTIONS

COSTS OF OBTAINING DOCUMENTS

The cost of obtaining papers is too high for people affected by conflict in Iraq. Economic vulnerability is a significant obstacle to obtaining legal identity and related civil documents. The financial cost of issuing, updating or renewing documentation was reported as the most significant barrier to accessing documentation by 58% of all respondents across Anbar, Ninewa, and Salah Al-Din. One displaced woman originally from Baiji in Salah Al-Din, currently living in Tikrit, reported having spent over 200,000 Iraqi dinars to obtain a civil ID for her family members, including for copies and transportation costs from Tikrit to the civil directorate, the Mayor's Office, Local council/Municipality, Intelligence Office as well as the mukhtar of her original neighborhood. Many of these offices are located in different places, requiring significant travel.

With regard to the court process of formalising marriages, participants expressed their concerns regarding the costs of the process, which they considered to be too high, and were reportedly lower prior to the conflict. Respondents indicated they now needed to pay 50,000 IQD to complete a blood test in Tikrit General Hospital, as part of the process, noting that it was free of charge before 2014. Some respondents mentioned that such costs restrict them from even making a claim to receive their formalised marriage contracts within the court. Without these, they are not able to obtain birth certificates for their children.

Adding another layer of high costs to processing civil documentation applications across the country respondents cited widespread corruption and requests for bribes. Many participants in focus group discussions noted that corruption and interpersonal connections, or *wasta*, influenced their ability to obtain civil documents, particularly in Mosul.

Civil documents such as marriage certificates, birth certificates, civil ID, nationality cards and passports in Iraq are all interlinked. Possessing one is often a prerequisite to obtain another, creating a 'domino effect' when one is missing.

OVERCROWDED CIVIL DIRECTORATES, OVER-STRETCHED COURTS AND COMPLEX PROCEDURES

Overcrowded and over-stretched institutions mean people cannot obtain papers. With civil directorate offices chronically under-resourced, many Iraqis must endure extremely lengthy waits and processing times, requiring multiple visits and extended bureaucratic processes. Severe overcrowding at civil directorate offices was cited by more than half of all respondents surveyed across Anbar, Ninewa, and Salah Al-Din.^{xxvi} This emerged as the second most common barrier to accessing civil documentation. This was most acute in Ninewa and Salah Al-Din, where it was cited by 58% and 47% of respondents respectively.

MULTIPLE VISITS TO DIRECTORATE

Overcrowding at the various directorates and government institutions was consistently mentioned by individuals across focus group discussions, but particularly in Mosul city. A number of female participants noted they did not feel comfortable going to the directorate without a male relative, due to the large crowds. They also had to try and manage childcare in order to go multiple times to overcrowded offices. A lack of understanding of the process was reported as another barrier by another 14% of respondents, due to the complexity of the procedures.

UNABLE TO RETURN HOME, SECURITY CLEARANCE REQUIREMENTS

Paperless people who cannot return home, are barred from attempts to obtain their documents. IDPs are often required to return to

their areas of origin to replace documentation. For a range of reasons, this is frequently not feasible. This may be either because they cannot afford to, or because they are blocked by the security actor in control of that area, which is often interlinked with security clearance processes. About 10% of those interviewed who were missing and who attempted to obtain their documentation reported being unable to do so because they could not return to their area of origin.

UNABLE TO ACCESS PUBLIC ASSISTANCE IN AREA OF DISPLACEMENT

In some cases, inability to return to one's area of origin was also cited as a reason IDPs were unable to access assistance through the Public Distribution System (PDS). One respondent, a male IDP originally from Baiji, reported not being able to receive any assistance through the PDS in Tikrit. After following up with the Ration Office in Tikrit he learned that while his name was within the main database in Tikrit, his personal information had never been transferred/updated in the sub-PDS office in Baiji. As a result, he will be entitled to assistance only upon return to Baiji.

This includes people having to return to their areas of origin to issue or renew key documentation for themselves or for their relatives, or to obtain certifications or letters from the mukhtar in their area of origin for missing or deceased relatives.^{xxvii} As a result, those who are blocked from returning to their areas of origin, or who fear returning due to security concerns, are often not able to fulfil the process to obtain civil documents. In Mosul, in male focus group discussion, several interviewees noted that even with all the correct security clearance documentation, authorities

at other directorates would often check their names against a security database before providing them with services.

INABILITY TO TRAVEL TO AREAS OF ORIGIN CREATES ADDITIONAL BARRIERS

Security concerns were also mentioned as one of the main obstacles toward obtaining documentation. Research participants mentioned that the civil ID requires security documents (letters/stamps) from both the Intelligence Office of their area of origin, as well as from the Police station (when civil ID, residency card or PDS are missing). One participant further stated that such procedures are “the result of IS control over [their] areas of origin”. For instance, participants originally from Senya mentioned that through the process of obtaining documentation, they have to return to their area of origin, which falls under control of three different Popular Mobilisation Forces. Participants also reported fearing processing legal identity and civil documents and seeing their names matching the “security database” held by the Intelligence Office.

Criteria determining who is added to the national security database is unclear and the accuracy of this database has been called into question. Placing an individual on the list offers ample opportunity for exploitation, as it appears no actual evidence of claims is required to be presented in the process. The process lacks the most fundamental safeguards and it is nearly impossible to appeal or undo.

OBTAINING DEATH OR MISSING PERSONS CERTIFICATES

Without death or missing person certificates, paperless people cannot access the documents they need. Where families have missing or dead relatives – as is now unfortunately very common in areas formerly occupied by IS – Iraqi authorities will not issue a death certificate without locating the body. In Mosul, participants noted the difficulty in finding and identifying bodies following the military operation to retake the city, which has delayed the issuance of death certificates. If no proof of the death exists, an individual must declare a person missing for a set period of time before a court will agree to issue a death certificate. This involves an application to a local police station, with either two male witnesses or four female witnesses, informing them of the circumstances under which the person went missing. The Criminal Investigations Court then opens a file on the case and the family subsequently is required to post a public notice of the missing person in local newspapers. In theory, after two years of no news from the missing person, a relative will be able to request from the Personal Status Court that the missing person be declared dead, but the reality is this usually takes up to four years.

This then impacts the ability to issue a number of other documents, including birth certificates and new civil IDs for children (where the father is missing or dead). It also impacts women's ability to access services, where key documentation was issued in their husbands' names. Female participants also pointed to requiring their fathers' documentation in certain cases. Without a death certificate, participants could not claim unpaid salaries of their spouses.



Ayub lost his ID while fleeing the fighting in Hawija. Civil IDs are required to attend school. Ayub and his brother are therefore barred from attending school and spend their days at home, not feeling hopeful about his their future.

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CONCLUSIONS AND RECOMMENDATIONS



Without significant efforts at both national and local levels to enable paperless Iraqis to obtain the civil documentation required to access public services, an entire segment of the Iraqi population living in areas formerly controlled by IS may be excluded from stabilisation efforts and reconstruction plans. This may create

yet another generation of Iraqis that face exclusion and denial of their rights, potential undermining prospects for stability in formerly IS controlled areas and across Iraq. It is crucial that the challenges facing Iraqis' access to documentation and subsequent access to services are addressed to ensure an inclusive recovery and reconstruction process.

GOVERNMENT OF IRAQ

OFFICE OF THE PRIME MINISTER, MINISTRY OF INTERIOR, MINISTRY OF JUSTICE:

Take all measures necessary to ensure displaced Iraqi citizens are able to obtain legal identity and associated civil documents as swiftly as possible

- » As a matter of urgency, ensure all measures are taken to ensure children are able to access civil documents as swiftly as possible, including by:
 - o Issuing a directive by the Ministry of Justice creating an 'amnesty period' allowing, at least for the next five years, Iraqi women to obtain birth certificates or proof of lineage from the court for children without being required to present the father's ID, nationality certificate, proof of his death or missing person's certificate, or a state-issued marriage certificate. Alternative requirements could include: consistently allowing the mother's family or other witnesses to testify, in order to provide a marriage certificate and child's proof of lineage/birth certificate.
 - o Issuing a directive by the Ministry of Interior that civil directorates consistently allow state-issued birth certificates or proof of lineage alone to be sufficient to obtain civil IDs, nationality certificates or the new 'unified ID' (which combines civil ID with

nationality certificate) for children born in the last five years - without also requiring the father's civil ID, father's nationality certificate or his death certificate/ missing persons certificate.

- o Stating publicly that the right to legal identity is a universal right to anyone born to an Iraqi father or to an Iraqi mother, as enshrined in the Iraqi Constitution and international law. This statement should emphasise that all Iraqis have the right to access civil documentation, regardless of affiliations of their relatives, and that denying IDs or services to families with children who were born under IS rule is a form of collective punishment and a violation of Iraqi law and the Constitution.
- o Delinking 'security clearance' from the procedures to obtain civil documentation at an operational level.

MINISTRY OF INTERIOR:

- » Establish a clear appeals system for those who have been denied security clearance and access to civil documents; disseminate information on the procedure to ensure transparency.
- » Ensure the minimum time frame needed for acknowledgement of cases of death, and issuing death certificates, is reduced from four to two years, as per Iraqi law
- » In recognition of the backlog at civil directorate offices, do not penalise Iraqis travelling on old or expired IDs or other civil documents.
- » Enable displaced people and elderly to apply for civil documentation throughout the country, rather than requiring they return to their area of origin, including by ensuring that legal protection organisations can continue

to provide power of attorney to IDPs rather than requesting their presence in person at civil status directorate offices.

- » Reinstitute and scale up resources to a mobile court system in areas that are estimated to have high civil documentation needs, including urban, peri-urban areas, and camps.
- » Scale up allocation of resources to civil directorate offices and personal status courts, including for sufficient staffing and reopening courts and offices in retaken areas.

MINISTRY OF EDUCATION:

- » Reissue and expand the 2018 directive allowing undocumented children to attend school by including the ability to sit exams and obtain official certificates by accepting alternative proof of identity such as birth certificates if available or witness statements.
- » Ensure the 2018 directive is publicly available and disseminated to all relevant directorates and is communicated to headmasters, particularly in districts most affected by the conflict.

- » Ensure children without documentation are able to attend school, sit exams, and receive certificates, including in camps.

MINISTRY OF HEALTH:

- » Issue a national directive affirming that individuals without documentation should not be denied medical services, including the ability to deliver births in hospital.

MINISTRY OF TRADE AND THE MINISTRY OF LABOUR AND SOCIAL AFFAIRS:

- » Ensure that those registered for public assistance are able to access it regardless

Dua'a, just two years old, was born during the military operations to retake Mosul from IS group. Her family fled to a displacement camp, but has yet to be able to obtain a civil ID. Without an ID, she won't be able to eventually attend school like her peers.

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of their place of residence. Whether they remain displaced or if they have returned to their areas of origin should not impact their ability to access public assistance.

- » Evaluate the efficacy and added value of the housing card as one of the documentation requirements for this type of assistance.

DONOR GOVERNMENTS, DIPLOMATIC MISSIONS, AND INTERNATIONAL FINANCIAL INSTITUTIONS INVOLVED IN INVESTMENT AND RECONSTRUCTION IN IRAQ:

- » Continue support for cash assistance programs, including those linked to legal assistance programming, in recognition that affordability of these procedures is the primary barrier in accessing civil documentation.
- » Scale up support to legal assistance programming, scale up support to mobile courts and provide technical support to the key line ministries, including the Ministry of Interior and Ministry of Justice (MoJ)

to enact policies that speed up access to documentation, including as a key part of their stabilisation policies.

- » Encourage reforms in Iraq's civil documentation system with the relevant Iraqi authorities when engaging in dialogue on stabilisation, recovery and reconstruction efforts, including delinking the security clearance process from procedures to obtain civil documentation
- » Refrain from enacting policies that impede humanitarian agencies ability to deliver principled, needs based-assistance.

HUMANITARIAN AGENCIES:

- » Ensure that distribution of humanitarian assistance is not contingent upon the possession of civil documentation, and that people in need who do not have documentation are not deprioritised for humanitarian assistance or cash-for-work opportunities.

ENDNOTES

- i. Barriers from Birth: Undocumented children in Iraq sentenced to a life on the margins, Norwegian Refugee Council, April 2019.
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- xvi. 27% reported this.
- xvii. Key Informant Interview, Ministry of Health official, Baghdad, 2019.
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- xx. Focus Group Discussion, Salah Al-Din, 2019.
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- xxii. Key Informant Interviews, Baiji, Salah Al-Din, 2019.
- xxiii. Focus Group Discussion, Salah Al-Din, 2019.
- xxiv. Draft Report, "Shamed out of Shelter: Honouring Women's Housing, Land, and Property Rights in Iraq," Norwegian Refugee Council, May 2019.
- xxv. Nandani Krishnan, Sergio Olivieri, Racha Ramadan, "Estimating the Welfare Costs of Reforming the Iraq Public Distribution System," UNICEF Office of Research-Innocenti, April 2018.
- xxvi. 52% of respondents who were surveyed cited this.

Back Cover: Sinjar, at the foothills of the mountain, still lies in utter ruins three years after the retaking of the city. Bomb remnants from airstrikes and booby traps laid by IS are still strewn in the rubble.

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