



Reclaiming Identity: Strategies for Civil Documentation in Iraq



IILHR

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Executive Summary

As a result of the war with the Islamic State of Iraq and Syria (ISIS), thousands of Iraqis came out of the conflict without any civil identity documentation.¹ Critical documents were lost, damaged, confiscated, or destroyed. Some Iraqis were never issued documentation during the while living under ISIS rule or were issued documents by ISIS that are invalid. With the support of international partners in coordination with the Iraqi Ministry of Interior (MOI), the Iraqi government has made considerable progress in the issuance of identification documents. However, much work still remains to ensure that all displaced Iraqis have access to civil documentation.

The issue of missing civil documentation is both a human rights and national security concern. Without proper documentation, Iraqis lack access to essential services and rights, including education, healthcare, welfare, housing, property ownership, inheritance, voting, and freedom of movement. Due to the stress of dislocation, loss of livelihood, and extreme trauma, these internally displaced persons – especially those congregated in camps and informal sites – are at risk of disenfranchisement and exclusion from society, undermining prospects for stability as Iraqi recovers from years of conflict.

In mid-2022, the Institute for International Law and Human Rights (IILHR) and the Enmaa Center for Research and Studies (ECRS) conducted extensive research across eight Iraqi Governorates to determine the main barriers to obtaining civil documentation. The research teams conducted more than 80 focus group discussions and 500 interviews with Internally Displaced Persons (IDPs), community leaders, lawyers, staff of local and international NGOs, security actors, employees at Civil Affairs Directorates and ration centers, hospital workers, IDP camp officials, government representatives, and members of the Iraqi judiciary. This report details the findings and recommendations emanating from this research effort.

Groups Most Affected by Missing Documentation

As a result of the conflict, certain segments of the Iraqi population are disproportionately affected by

not having civil documentation and face particular challenges obtaining the documents they lack. This report focuses on these overlapping groups:

- **IDPs and IDP Returnees:** More than 6 million Iraqis were forced to flee their homes during the conflict. While some 4.8 million have since returned to their areas of origin, approximately 1.2 million IDPs remain, with 900,000 of them residing in private out-of-camp settings, another 175,000 living in 25 camps, and 130,000 living in 376 informal camps.² It is estimated that over 430,000 individuals are still missing at least one core civil document.³
- **Women:** Many core documents are issued in the name of the head of household. This is almost always a man, except in cases where the women are unmarried, widowed, divorced, or have been abandoned by their husbands. Female heads of households attempting to have documentation issued in their own names are required to submit more supporting documents with their applications than their male counterparts.
- **Children:** According to the findings of humanitarian agencies, children account for almost half of all IDPs and returnees missing documentation in some areas. Many were born under ISIS rule and have no valid birth certificates. Mothers often do not have required documents to register their births, especially if fathers are missing or incarcerated. Without birth certificates, these children cannot obtain other core documentation, enroll in school, obtain educational certificates, or access fundamental services. They are at risk of becoming stateless.
- **Iraqis with perceived affiliation with ISIS:** Iraqis who worked for ISIS civil services and institutions and those whose family members are suspected or confirmed ISIS members are often perceived by Iraqi security forces to be affiliated with the terrorist organization, even if they have never supported or joined it. Iraqis suspected of collaboration are stigmatized and often have trouble obtaining missing documentation. Frequently, Iraqis with perceived ISIS affiliation

do not attempt to obtain missing documents for fear of arrest.

- **The Yazidi and Other Vulnerable Groups**, including Christians, Kaka'i, Shabaks, Sabean-Mandaeans, and Turkmen. Thousands were murdered, trafficked, enslaved, brutalized, raped, forcibly converted, married off, and conscripted as child soldiers. They are missing civil documentation for the same reasons as other IDPs, returnees, and Iraqis who lived under ISIS occupation. Children born to Yazidi rape survivors of ISIS are at particular risk of facing a lifetime of not being able to establish lineage. There are many other ethnic and religious minorities in Iraq also vulnerable to statelessness, such as the Bidoon, Dom, Shabak, Faili Kurds, and the Bahai.

Main Barriers to Obtaining Documentation

- **Informal procedures:** Informal processes such as practice of *tabriya* and *ikhbar* continue at the local level, despite federal courts issuing directives noting that *tabriya* is not recognized as legal practice. Without a 'security clearance', the only option is to file an official complaint in an Iraqi court (*tabriya*) accusing male relatives of being ISIS members.⁴

This is a difficult decision for many women unsure about their fate and acceptance in their communities. In the case of reporting a relative with perceived affiliation (*ikhbar*), there are the same concerns. Even if they choose to go through this process, it does not guarantee the right to return home or obtain identification documents.⁵ Some women are reluctant to disavow former husbands, and encouragement to do so can therefore be seen as another form of coercion and stigmatization, making *tabriya* an obstacle to reintegration.⁶

- **Security clearances:** While there are provisions by MOI that grant IDPs a security permit for movement, the security clearance process is used to determine if an IDP's relatives appear on wanted lists of suspected ISIS affiliates. Obtaining documentation without a security clearance is almost impossible. At this time there are no standardized security clearance processes in Iraq that can be managed in a unified database; the clearance process is sometimes locally completed, often on a discretionary basis.
- **Bureaucratic inaccessibility:** Iraqis face difficulties accessing Civil Affairs Directorates and other government offices where documents are issued, since these often have reduced operational

capacity due to under-staffing and under-funding. Not all branches have completely reopened after the end of the conflict with ISIS. Iraqis applying for documents are required to go in person to the Civil Affairs Directorate in their area of origin, which often proves impractical or impossible.

- **Opaque and inconsistent administrative processes:** The procedures for obtaining missing documentation, which involve multiple steps and pieces of supporting evidence, are not standardized. They can vary considerably between governorates, districts, and even sub-districts and are often not communicated clearly to the public. Without those instructions, the decisions local authorities make are often discretionary.
- **Burdensome evidentiary requirements:** The Iraqi system of civil documentation is complex and intertwined, with many core documents serving as prerequisites for obtaining others. Applicants for one type of missing document might be required to submit as evidence a document that is also missing. Some Iraqi women whose husbands were killed in the conflict do not have formal death certificates for their spouses, and in cases where the deceased is of presumed ISIS affiliation, sign-off on a death certificate from intelligence services can be difficult to obtain.⁷
- **Prohibitive costs:** High costs in time and money frequently prevent Iraqis missing documentation from obtaining it. Application procedures are lengthy, and the attendant fees are often beyond the means of many people.

The **Iraqi Council of Ministers and Ministries** should, *inter alia*, issue a directive allowing all IDPs to submit applications in any district in the country, and waive fees and requirements to allow children awaiting documentation to participate in school. The Interior Ministry should prioritize standardizing procedures between local and national offices, and service-providing ministries such as Labor and Social Affairs, Education and Health should waive documentary requirements for citizens awaiting documents.

The **Council of Representatives and the Prime Minister's Office** should amend existing legislation, such as the 2006 Nationality Law, No. 26, the National Card Law, No. 3 of 2016 and any other laws related to birth registration and nationality. It should prioritize passage of a draft child protection law, legal aid legislation, and freedom of information legislation.

Iraq's High Judicial Council should provide Personal Status Judges the authority to accept temporary alternative forms of documentation while applications are pending and establish a clear process

of appeal for Iraqis denied security clearances or civil documentation. It should, *inter alia*, provide clear instructions to all judges requiring them to adhere to Article 18(1)(2) of the Iraqi Constitution, which allows any Iraqi citizen to obtain identification through their father or their mother.

The **International Community** should urge the Ministry of Interior and the High Judicial Council to expand a nationwide campaign to issue documentation in areas where IDPs live, continue to support legal assistance programs to help Iraqi citizens obtain civil documentation, and provide technical assistance and diplomatic support for Parliament to amend current law and pass and implement the Legal Aid Law now under consideration in Parliament, the Child Protection Law, and a Freedom of Information Law. It should encourage practical Kurdistan Regional and Federal judicial cooperation on cases relating to identity documentation.

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Acronyms

CAD	CAD Civil Affairs Directorate	ISIS	Islamic State of Iraq and Syria
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women	KII	Key Informant Interviews
CRC	Convention on the Rights of the Child	KRG	Kurdistan Regional Government
CRVS	Civil Registration and Vital Statistics	MoI	Ministry of Interior
CSIC	Civil Status ID Card	MoMD	Ministry of Migration and Displacement
CSO	Civil Society Organization	MoH	Ministry of Health
Da'esh	Arabic acronym for the Sunni jihadist group also referred to as ISIS	MoT	Ministry of Trade
ECRS	Enmaa Center for Research and Study	MoP	Ministry of Planning
FPA(s)	Family Perceived Affiliation(s)	NGO	Non-governmental organization
FGD	Focus Group Discussions	OCHA	United Nations Office for the Coordination of Humanitarian Affairs
GoI	Government of Iraq	OHCHR	Office of the High Commissioner for Human Rights
HJC	High Judicial Council	PMF	Popular Mobilization Forces
HLP	Housing, Land, Property	PDS	Card Public Distribution System Card
ICCPR	International Covenant on Civil and Political Rights	RENAPER	The National Registry of Persons (Argentina)
ICESCR	International Covenant on Economic, Social and Cultural Rights	UDHR	Universal Declaration of Human Rights
IDM	Internally Displaced Monitoring	UN	United Nations
IDP(s)	Internally displaced person(s)	UNAMI	United Nations Assistance Mission for Iraq
IILHR	Institute for International Law and Human Rights	UNDP	United Nations Development Programme
IOM	International Organization for Migration	UNFPA	United Nations Population Fund
IQD	Iraqi Dinar	UNHCR	United Nations High Commissioner for Refugees
INC	Iraqi Nationality Certificate	UNICEF	United Nations Children's Fund
I/NGO	International Non-Governmental Organization	USD	United States Dollar
		UNSD	United Nations Statistical Division
		VS	Vital statistics

Definitions

Civil Affairs Directorate: Iraqi governmental office that is responsible for issuing civil documentation.

Civil documentation: Official documents confirming identity, nationality, and important life events of the holder.⁸

District: A second-level administrative unit in Iraq.

Governorate (*Muhafazah*): A main, first-level administrative unit in Iraq, similar to a Province.

Identity documents: Physical or digital documents or numbers proving the holder's legal identity.

***Ikhbar*:** Informal process by which a family member informs on another family member affiliated with ISIS.

Internally Displaced Person: A person or groups of persons who has been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally-recognized State border.⁹

Investigation Court: An independent court in Iraq with its own jurisdiction that exists in each district or sub-district where a court of first instance exists.

ISIS: A militant Islamist organization, formed in the early 21st century, whose aim was to create a caliphate in the Middle East and North Africa. This group is alternately named the Islamic State of Iraq and the Levant (ISIL), the Islamic State (IS), and Da'esh (the organization's Arabic acronym).

***Khila'a*:** To dissolve one's marriage

***Mukhtar*:** A local leader and administrative official nominated by the original residents of an area according to criteria set out in the *Mukhtars Law of 1999*, who have in recent years fulfilled formal functions that have included certifying community members' identities and lack of ISIS affiliation.

Personal Status Court: A court of first instance with jurisdiction over cases related to personal status, including marriage, divorce, proof of birth, and proof of parental lineage.

Persons with affiliation with ISIS (perceived or actual): All persons that are believed by Iraqi authorities to have had some contact with ISIS.

***Sheikh*:** A local leader, in particular the chief or head of a tribe, family or village; a leader in a Muslim community or organization.

Stateless person: Defined in international law as any person "who is not considered as a national by any State under operation of its law," according to the 1954 Convention Relating to the Status of Stateless Persons.

***Tabriya*:** A custom rooted in tribal practice involving the denunciation of family members accused of ISIS affiliation.

1. Introduction

In 2014, the militant jihadi group known as ISIS was keen to declare an Islamic State and began seizing control of large swaths of Syrian and Iraqi territory. After capturing Mosul, Tikrit, and Tel Afar in June, the group proclaimed the establishment of a caliphate.¹⁰ At the peak of its power, ISIS controlled 100,000 square kilometers of land – home to more than 11 million people. In 2015, the group began to lose territory as it encountered pressure on all sides from a coalition of Iraqi government troops, Popular Mobilization Forces (PMF), the Kurdish Peshmerga, and international forces – though ISIS insurgents captured Ramadi, the capital of Anbar Governorate, in May of that year. By the end of 2015, despite losing roughly half of the territory they had seized at the height of their power, the group still retained control over an area that was home to 5 million people.

Thereafter, however, ISIS continued to lose territory to coalition forces. Finally, in July 2017, following a nine-month siege, Mosul, the group's last major stronghold in Iraq, was re-taken.¹¹ In December 2017, Iraqi forces secured the few remaining areas under ISIS control in the western desert along the Syrian border and the Prime Minister proclaimed final victory over the militants.¹²

One of the countless crises precipitated by the conflict is the fact that a considerable number of Iraqis are still missing core civil and identity documentation. Some documents were destroyed or lost during the fighting. Others were confiscated by ISIS or by Iraqi security forces. Some were left behind as people fled their homes to escape ISIS insurgents and military operations. Others were never issued – untold numbers of major life events, including births, deaths, and marriages, went unrecorded while the war raged on and in the years following. Some of these events were registered by the insurgent bureaucracy. However, the Iraqi government does not recognize ISIS-issued documents as valid and many Iraqis possessing these documents destroyed them to avoid the perception of any affiliation with the designated terrorist group.¹³

Without proper documentation, already vulnerable victims of the war against ISIS are exposed to serious protection risks and further humanitarian need. They are prevented from exercising their rights to access healthcare, education, and freedom of

.....
 "Iraqi citizenship is a right for every Iraqi and is the basis of his nationality"

 Article 18(1), Iraq Constitution of 2005

movement. They are excluded from formal employment, property ownership, inheritance claims, and enfranchisement. They are in danger of statelessness and loss of identity.¹⁴ They are also at risk of radicalization and extremism the longer they are marginalized and denied their human rights, thereby endangering the safety and security of the nation. Their plight is the subject of this report.

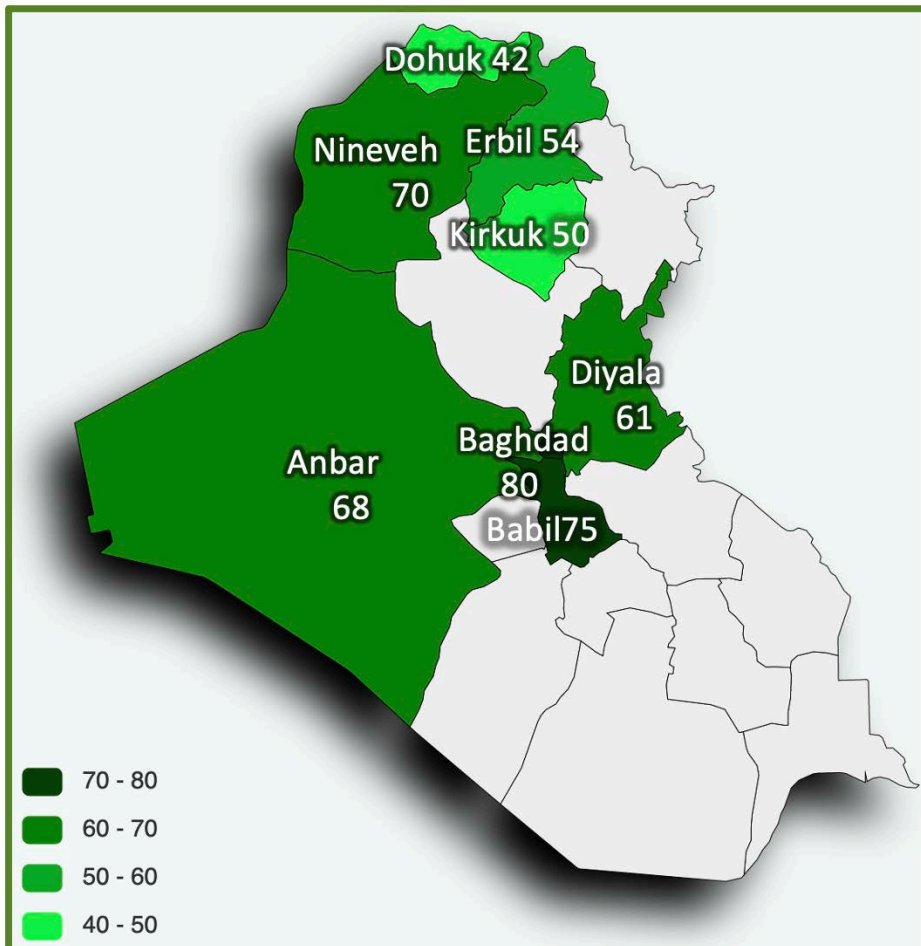
Based on extensive fieldwork, interviews, consultations and research, *Reclaiming Identity: Strategies for Civil Documentation in Iraq*, analyzes the crisis of missing documentation with the goal of finding workable, durable, and implementable solutions. This report highlights the importance of civil documents and the difficulties faced by Iraqis who lack civil documentation. It identifies the groups most affected by missing documentation. It investigates the barriers – procedural, situational, and cultural – that exist in the current system of issuing documents. It also addresses regional variation in the numbers of Iraqis missing documentation and the challenges they face obtaining civil documentation. This kind of detailed data and analysis is especially important now, in the wake of the de-activation of Iraq's protection cluster system, as part of the UN's transition away from a primarily humanitarian-focused response, at the end of 2022 and a significant decrease in international funding for humanitarian aid. An accurate understanding of whose needs are most pressing, where, and why, is crucial to planning and implementing policies and effectively targeting assistance.¹⁵

While recognizing that the problems analyzed here are not easily solved, the authors hope that this report can contribute to the development of productive solutions. The report provides examples of comparative practice in other countries coping with similar issues, as well as recommendations to the Iraqi government and international community on actions and strategies to improve Iraqis' access to civil documentation.

2. Scope and Methodology

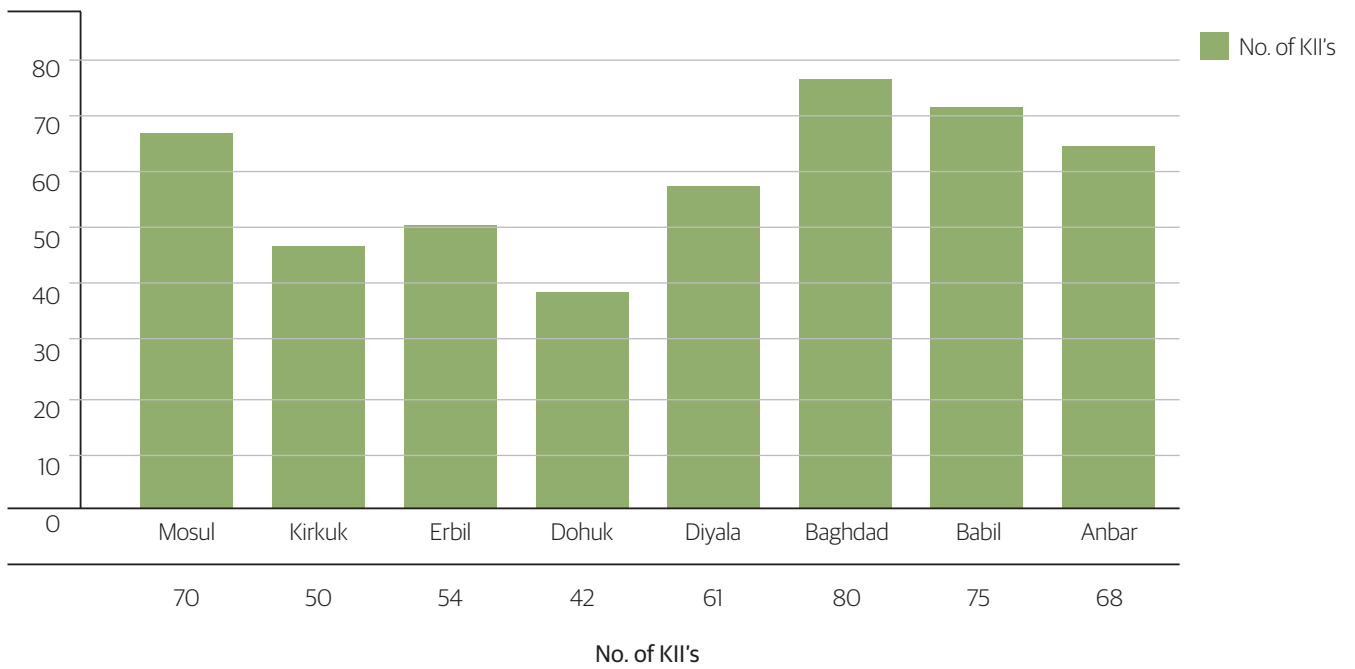
In preparing this report, we consulted a broad range of sources, including human rights reports, civil society reports and press releases, academic journals, news outlets, country reports, Iraqi legislation, and international conventions. The core of our data comes from extensive fieldwork carried out between January and July 2022. Teams of two researchers were deployed to eight governorates: Anbar, Babil, Baghdad, Diyala, Dohuk, Erbil, Kirkuk, and Nineveh. These governorates were chosen because they had been under ISIS control and/or contain large numbers of IDPs – those forced out of their homes because of armed conflict and violence who have not crossed the internationally recognized borders of their country. Our research teams conducted over 500 Key Informant Interviews (KIIs) in these Governorates with IDPs; national and local government

representatives, including workers in Civil Affairs Directorates (CADs); security actors and intelligence officials; local community leaders, including tribal elders, *mukhtars*, and *sheikhs*; members of the Iraqi judiciary, including judges from the Personal Status, criminal, counter terrorism and investigation courts; lawyers from local and international NGOs and private law firms; UN representatives; and staff members from national and international humanitarian NGOs. Interviewees were selected through “snowball sampling,” a recruitment technique whereby research participants suggest other possible participants for the study. The interviews were supplemented by over 80 Focus Group Discussions (FGDs) with IDPs across all eight Governorates. The names of all participants quoted in this report have been changed for their privacy and protection.



Map 11: Number of Key Informant Interviews Conducted in Each Governorate

Figure 1.1: Number of Key Informant Interviews



3. The Importance of Documentation

The region that constitutes modern-day Iraq has a long history of state-sponsored documentation of its people. The rulers of the Babylonian Empire likely undertook the world's first recorded census around 3800 BC, compiling data on clay tiles to help estimate the food requirements of their population.¹⁶ Many centuries later, the region fell under the control of the Ottoman Empire, which introduced a system of internal mobility control in the 1810s underpinned by a document called the *mürûr tezkeresi*. All Ottoman subjects traveling within the empire had to apply for a *mürûr tezkeresi*, on which both their movements and their personal information were recorded.¹⁷

In present-day Iraq, the State issues several kinds of civil and identity documents to its citizens. In various combinations, these documents control access to rights-based services and entitlements. Most civil documents are issued and renewed at local offices based on a system that involves sending physical registers kept by hand to the central office for scanning and archiving. Since 2013, the Iraqi administration has been undertaking the digitization of the civil registration system, although its progress is difficult to measure and has been interrupted by the conflict with ISIS and its aftermath.¹⁸



Iraqi Official Identity Document: Civil Status ID Card

I. Foundational and Core Civil Identity Documentation

The foundational recognition of an individual's existence is the birth certificate, issued to record the date, time and location a person entered into the world. This document will be supplemented later in life by other foundational documents, such as marriage certificates and eventually a death certificate. The primary purposes of these foundational documents are to establish or recognize legal identity and assist in the process of receiving government-recognized credentials. These invaluable core civil documents include the following:

- Civil Status ID
- Nationality Certificate
- Public Distribution System Card (PDS)
- Residency Card
- National Unified ID Card.

Procedures for obtaining civil documents can vary, and information about the processes is not always publicly available. The following section offers information about some of the most important foundational and core civil documents in Iraq, as well as the application processes that our researchers have been able to identify. Despite existing legislation that regulates civil documentation, applying for and obtaining civil and identity documentation is controlled on an *ad hoc* basis by directorates of Governorates. Due to inconsistent implementation of bureaucratic procedures across the country, these processes might be applied differently from jurisdiction to jurisdiction.

a. Civil Status ID Card (*Hawyat al Ahwal al-Madaniya*)

As of December 2023, the Civil Status ID is in the process of being replaced by the Unified National ID Card, with 70% of Civil Status IDs having already been replaced.¹⁹ The Civil Status ID Card had for decades been one of the most important official documents in Iraq. Functioning in the past as the main identity card for citizens, it was required for accessing essential services such as the Public Distribution System (PDS), health care, education, and housing. It was also necessary for employment in

the formal sector and for obtaining other civil documents, including passports.²⁰ The Civil Status ID Card contained significant personal data about the holder, including his or her name, gender, marital status, religion, and the names of his or her father, mother, and paternal and maternal grandfathers.

The Card needed to be renewed in connection with changes in marital status and residence. Issued by Civil Affairs Directorates (under the General Directorate for Nationality in the Ministry of Interior), the Card could only be obtained or renewed at the local office in the district where the applicant was registered upon payment of a fee and submission of supplementary documents including an application form signed by the head of the household, a birth certificate, and the Civil Status ID Card of a father or grandfather.²¹ In the event that an applicant does not have a new Civil Status ID Card or has an expired Civil Status ID, applying for the Unified ID card requires proof of residence and a letter with personal information signed by the sub-district administrator and mukhtar. As of May 2023, the GOI has stopped issuing Civil Status IDs. However, in areas where the Unified ID card has not yet been rolled out, Iraqis are left without IDs or the ability to access other services and documents, such as the housing and PDS cards.

b. Iraqi Nationality Certificate (*Shahdit al-Jensia*)

Like the Civil Status ID Card, the Iraqi Nationality Certificate is in the process of being replaced by the Unified National ID Card. However, it remains one of the most important identity documents in Iraq as it is required to access many essential services and to obtain other core documentation, including the Unified National ID Card itself.²² The Nationality Certificate, as its name suggests, is proof of Iraqi citizenship. It also contains other personal information about the holder, including his or her religion, thumbprint, and the names and birth places of his or her parents. Nationality Certificates are issued by the General Directorate for Nationality in Baghdad or its local offices in the governorate capitals. Applicants must appear in person with documents including their Civil Status ID Card, and their father's Nationality Certificate, Residency Card, and the PDS Card.²³

c. Residency Card/Housing Card (*Bitaqat al-Sakan*)

A Residency Card is another important official Iraqi civil document. It is issued to families in the name of the head of household and establishes their place of residence. In order to obtain a Residency Card, the head of household must visit his or her local Central Information office with the following documents: a letter from the *mukhtar* (a local leader), signed by



Iraqi Official Identity Document: Iraqi Nationality Certificate



Iraqi Official Identity Document: Residency Card



Iraqi Official Identity Document: Unified National ID Card

two witnesses and stamped by the mayor's office, confirming the family's place of residence; a recent color photograph; Nationality Certificate; marriage contract (in certain areas of Iraq); and the Civil Status ID Cards of every family member. Once the application has been processed, the head of household must present these documents and a stamped letter from the Central Information Office to the Information Office in the local police station, where they must pay a fee to receive the Residency Card. A female head of household applying for a Residency Card in her name must submit the above-mentioned documents as well her husband's death certificate or a court divorce decision.²⁴

d. Unified National ID Card (*Bitaka al-Mwahada*)

The issuance of official documentation in Iraq is often governed by directives and *ad hoc* regulations that are not readily available to the public. Partly to correct these procedural ambiguities, the Iraqi government passed National Identity Card Law No. 3 in 2016 establishing a new identity document called the National Card or Unified National ID Card. This new Card is valid for 10 years and contains an embedded RFID chip and personal data including the holder's photograph, identification number, name, blood type, and the names of his or her father, mother, and maternal and paternal grandfathers. It is meant to replace the Nationality Certificate and Civil Status ID Card.²⁵ However, these documents are still prerequisites for obtaining many essential services and other civil documentation, including the Unified National ID Card itself.²⁶ In order to obtain the new card, applicants must book an appointment electronically, fill out an online form, then go in person to a Civil Affairs Directorate to have their application stamped, get finger printed, and pay a fee. Newly married couples must also submit a marriage certificate and a Registration Transfer Letter if the spouses were registered in different places prior to marrying.²⁷

e. Public Distribution (PDS) (*Bitaqat al-Tmwiniyah*)

The Public Distribution System (PDS) Card or Ration Card controls access to a key provision of Iraq's social safety network, as the PDS provides monthly food subsidies, including flour, rice, sugar, cooking oil, and children's milk, to eligible Iraqi families.²⁸ The Ministry of Trade issues PDS Cards through its local branches via Ration Supply Centers. To obtain a PDS Card, heads of households must submit an application form, along with their Residency Card and the Unified National ID Cards or Civil Status ID Cards of all family members. PDS Cards need to be updated to reflect changes in residence and family composition, including deaths, marriages, divorces, and the birth of children.²⁹



Iraqi Official Identity Document: Public Distribution (PDS) Card

Currently, PDS Cards are being digitized – as of June 2023, the process has been completed in Al-Najaf Governorate and is underway in the governorates of Muthana, Kirkuk, and Dohuk, with Baghdad and Basra scheduled to be next.³⁰ Since the PDS Card contains personal data, it is widely used as an identity document as well as a ration card.

f. Marriage certificate (Aqid al-Zawaj)

A marriage certificate is an important civil document, particularly for Iraqi women. It is often required, whether officially or in practice, to access vital services, rights, and other core documentation. According to Law No. 188 of 1959, the Personal Status Law, a marriage must be registered in a Personal Status Court to be legally valid in Iraq. Couples must appear in court before a Personal Status judge and submit a statement, signed by their *mukhtar* or two prominent local citizens, proving their identities, the amount of the dowry, and the absence of any legal impediments to their union. They must also submit a medical report confirming that both parties to the marriage contract are healthy and free of communicable diseases. The judge will then register the marriage and issue a marriage certificate.

g. Birth Certificate (Shahdit al-Wiladah)

A birth certificate is issued in accordance with Law No. 148 of 1971, the Law for the Registration of Births and Deaths. It contains personal data about the holder, including name, gender, date and place of birth, religion, and parents' names.³¹ To obtain an official birth certificate, a child's parents must register the birth. This is done in one of two ways, depending on the circumstances. If a baby is born in a clinic or hospital, the delivering doctor or midwife issues a birth certificate. The parents must then get it verified at the Health Directorate and submit it to the Civil Affairs Directorate within 15 days of the birth. If a baby is born outside a hospital, or in any situation in which a birth certificate cannot be issued by an authorized medical professional, the parents must submit a "proof of birth" to the Civil Affairs Directorate within 30 days.

To obtain a "proof of birth," parents must pay a fee and apply to a Personal Status Court judge with the requisite documentation, including their Civil Status ID Cards or Unified National ID Cards, marriage certificate, and Residency Card, copy of the family Civil Record and an estimation of the child's age made by a specialized medical committee.³²



Iraqi Official Identity Document: Marriage certificate



Iraqi Official Identity Document: Birth Certificate

Instructions have been issued by the Ministry of Health stating that parents should not be provided with copies of original birth certificates as MOH

policy states that the birth certificate is to be sent by official mail only, thus prolonging an already arduous process for Iraqis seeking to rebuild their civil documentation history.

h. Death Certificate (Shahdit al-Wafat)

An official death certificate enables surviving family members to access important services and rights, including pensions, inheritances, and life insurance. It contains personal data about the deceased, as well as the cause, location, and time of death.³³ Issued automatically by a hospital or accredited health center when a person dies, the death certificate is submitted to the Office of Births and Deaths within 10 days to be processed. Then a copy is provided to the immediate family members of the deceased, while the original is mailed to the Civil Affairs Directorate in the area where he or she resided.

If a person dies or disappears under circumstances when a medical professional cannot verify the death and issue a death certificate, his or her heirs may obtain a “proof of death” statement. To do so, they must fill out a request form at a Personal Status Court and have it approved by the Deputy Governor of the provincial district, and/or mayor (*qaa'im al-maqam*) of the city to confirm the location of death. This form, accompanied by the testimony of two witnesses as well as a letter from the Office of Births and Deaths attesting that the death has not previously been registered, must then be reviewed at a police station, and submitted to an Investigation Court, which will issue the “proof of death.”

Like a hospital death certificate, the proof of death statement is sent to the Office of Births and Deaths to be registered and then to the Civil Affairs Directorate in the area where the deceased resided.³⁴

Iraqi Official Identity Document: Death Certificate

II. Why Iraqis Need Documentation

In Iraq, access to essential services such as health care, education, and social welfare is controlled by a combination of government-issued documents, including the Unified ID Card, Civil Status ID, Nationality Certificate, PDS Card, and Residency Card.³⁵ Without these documents, IDPs and returnees in Iraq are limited in their ability to access key services and exercise their fundamental rights. They are also at increased risk of arbitrary arrest or detention at checkpoints and face restricted freedom of movement. Moreover, since possession of one civil or identity document is often a prerequisite for issuing or renewing another, missing documentation is a problem that compounds itself. The impact of missing documentation on the lives of Iraqis can be severe and long-lasting.³⁶

a. Nationality/Citizenship

.....
 "Iraqi citizenship is a right for every Iraqi and is the basis of his nationality."
 Article 18(1), Iraq Constitution of 2005

The right to identity and nationality is enshrined in international conventions and Iraqi law. The 1989 UN Convention on the Rights of the Child, to which Iraq is a signatory, states that “the child shall be registered immediately after birth and shall have the right from birth to a name, [and] the right to acquire a nationality.”³⁷ The Constitution of Iraq guarantees to every Iraqi the right to citizenship, which is the basis of nationality. Furthermore, *Law No. 26 of 2006, the Iraqi Nationality Law*, establishes that anyone born to an Iraqi father or an Iraqi mother, and any child found or born in Iraq whose parents are unknown, shall be considered Iraqi.³⁸ However, without proper documentation, Iraqis cannot prove their nationality. Undocumented Iraqis, particularly children who were never issued birth certificates or identity papers, are in danger of statelessness.

b. Health Care

.....
 "Every citizen has the right to health care."
 Article 31, Iraq Constitution of 2005

Although health care is a right guaranteed by Iraq’s Constitution, IDPs and returnees missing civil documentation are frequently denied access to medical services. A study by the Norwegian Refugee Council in 2018 found that almost a quarter of research participants lacking documentation in Anbar, Nineveh, and Salah Al-Din had been denied access to health care.³⁹ Respondents reported that a Civil Status ID was required for surgeries and major

hospital procedures, including giving birth. One woman from Mosul gave birth at home without the assistance of a doctor or midwife after being turned away from two different hospitals because she did not have a Civil Status ID or marriage certificate.⁴⁰ Returnees and IDPs lacking documentation can also face difficulties accessing preventative care. For instance, registering for a Covid-19 vaccine requires either a passport, Nationality Certificate, or Civil Status ID.⁴¹

c. Education

.....
 “(1) Education is a fundamental factor for the progress of society and is a right guaranteed by the state. Primary education is mandatory, and the state guarantees that it shall combat illiteracy. (2) Free education in all its stages is a right for all Iraqis.”

Article 34, Iraq Constitution of 2005

Iraq’s Constitution also guarantees the right to education and free, compulsory primary schooling. However, undocumented Iraqi children face difficulties accessing the formal education system, with many unable to attend schools in IDP camps or areas formerly under ISIS control. Children who do manage to attend school without documentation run the risk of being expelled or denied the opportunity to take exams, receive final grades, and advance to the next grade level if they do not submit documentation before the end of the year.⁴²

d. Social Welfare

As referenced earlier, having a PDS card is a critical strand of the Iraqi social safety net. With a PDS card, every Iraqi who is not a government employee and who earns less than 1 million IQD per month is entitled to monthly food rations, including flour, rice, beans, and cooking oils. Access to these benefits is controlled by a PDS card, assigned to the head of household. A Civil Status ID and Residency Card are required to obtain a PDS card. The card must be updated to reflect changes in family composition, including marriages, deaths, and the birth of children, which all require supporting documentation. IDPs and returnees lacking the requisite documentation can be denied access to a PDS card and its associated benefits. Displaced Iraqis might also be required to return to their areas of origin to receive PDS cards, which is often impossible for them to do.⁴³



e. Employment

.....
 “I don’t have any papers. First it took me a long time to find a job in the restaurant. I worked long hours without a contract to support my family and sometimes I didn’t get paid for several months. But this is the reality I need to accept. I tried to get my identity documents, but no one was able to help me, no NGO, no one and then I gave up as additional costs were too high for me.”

“Beyan,” 27-year-old IDP in Erbil Governorate (In camp interview, 26 May 2022)

IDPs and returnees missing documentation face extremely limited employment opportunities in the formal sector. In the field research conducted for this report, interviewees reported that a Unified National ID Card and a Residency Card were the documents required most often for formal employment. Many IDPs and returnees lacking documentation are unemployed or perform daily work in the informal sector for low wages.⁴⁴

f. Freedom of Movement

Although freedom of movement is a right guaranteed by the Iraqi Constitution, many IDPs missing documentation are unable to enjoy it. A combination of identity documents and approved security clearances is normally required to pass through checkpoints in areas formerly controlled by ISIS. IDPs risk arrest or detention if they attempt to cross these checkpoints without documentation.⁴⁵

Even when IDPs have documentation, their movements are curtailed. Without identity documents, IDPs encounter the same problems crossing government checkpoints as paperless Iraqis. These restrictions on movement interfere with the

ability to travel for work, access health care, visit family, and obtain any missing core documentation. For Iraqis needing to travel to Baghdad seeking DNA tests as part of the civil documentation process, the travel restrictions add another complexity in their attempts to reintegrate into Iraqi society.

g. Housing, Land, and Property Rights (HLP)

IDPs and returnees who are missing documentation face significant barriers accessing housing, land, and property rights. Without valid identity documents, it is very difficult to secure a formal rental contract.⁴⁶ IDPs and returnees lacking core civil documents also have trouble buying property, asserting property and inheritance rights, and claiming compensation for property damaged or destroyed in the conflict with ISIS.⁴⁷ IDPs lacking civil documentation have also reported significant concerns about eviction, with almost half of IDPs surveyed by IOM fearing eviction from their current housing.⁴⁸ Factors contributing to these fears include lack of funds to pay rent, requests for eviction by government authorities, lack of valid tenancy agreements and sudden requests to vacate from landlords.⁴⁹

III. Iraq's Legal Obligations in Issuing Documents

Given their repetition in many treaties, declarations, and conventions, the rights to immediate birth registration, legal identity, and nationality are part of **customary international law**. The principle that “everyone has the right to recognition everywhere as a person before the law” was included in the 1948 **Universal Declaration of Human Rights**.⁵⁰ In 1959, the **UN Declaration of the Rights of the Child** established that a “child shall be entitled from his birth to a name and a nationality.”⁵¹ Seven years later, the 1966 **International Covenant on Civil and**

Political Rights (ICCPR) also included the non-derogable right of everyone to be recognized before the law (Article 16) and the right to registration immediately after birth (Article 24).⁵² The most widely ratified human rights treaty in history, the 1989 **Convention of the Rights of the Child** (CRC), which Iraq signed in 1994, stipulates that “the child shall be registered immediately after birth and shall have the right from birth to a name, [and] the right to acquire a nationality.”⁵³ The Committee on the Rights of the Child emphasizes that all of the articles of the Convention and its optional protocols “apply at all times and...there are no provisions allowing for derogation of their provisions during emergencies.”⁵⁴

Other international treaties and protocols establish the obligation of the State to reinforce these rights, even in times of war and internal displacement. The 1954 **Convention relating to the Status of Stateless Persons** establishes a definition for “stateless persons” and stipulates minimum standards of treatment.⁵⁵ The 1961 **Convention on the Reduction of Statelessness** sets rules for the conferral and non-withdrawal of citizenship. These complementary treaties form the basis of the international legal framework to eliminate statelessness.⁵⁶ Although Iraq has yet to ratify them, their provisions arise from the right to nationality guaranteed in other treaties signed by Iraq.

The **Geneva Conventions** oblige all parties in a conflict, including insurgent authorities, to issue documentation for all children within their jurisdiction.⁵⁷ The **Convention on the Rights of the Child** mandates that “State Parties shall ensure the implementation of [the rights to birth registration and nationality] in accordance with their national law and their obligations under the relevant international instruments in the field, in particular where the child would otherwise be stateless.”⁵⁸ The **UN Guiding Principles on Internal Displacement**, adopted in 1998, stipulate that “national authorities have the primary responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction” and that “authorities concerned shall issue to [internally displaced persons] all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one’s area of habitual residence in order to obtain these or other required documents.”⁵⁹

Iraq’s own laws and Constitution guarantee nationality rights and indirectly support state obligations to issue civil documentation. Article 18



Dismantled IDP Camp in Habbinayah, Anbar Province November 2020

of the Constitution stipulates that “Iraqi citizenship is a right for every Iraqi and is the basis of his nationality,” that “anyone who is born to an Iraqi father or to an Iraqi mother shall be considered an Iraqi,” and that “an Iraqi citizen by birth may not have his citizenship withdrawn for any reason.”⁶⁰ However, the principle of equal nationality in relation to rights of mothers only applies when the child is born inside of Iraq. For children born to Iraqi mothers outside of Iraq the principle of equal nationality under the law does not apply.⁶¹

Law Number 26 of 2006, the Iraqi Nationality Law, states that “a person is considered Iraqi” if he or she is “born to an Iraqi father or an Iraqi mother,” “born in Iraq of unknown parents,” who shall be “considered to be born there unless there is evidence to the contrary.”⁶²

The provision that Iraqi mothers can pass on citizenship aligns with the 2004 **Arab Charter on Human Rights**, ratified by Iraq in 2013, requiring Parties to “take such measures, as they deem appropriate, in accordance with their domestic laws on nationality, to allow a child to acquire the mother’s nationality, having due regard, in all cases, to the best interests of the child.”⁶³ However, in practice this Constitutional right is not easy to implement.⁶⁴



4. Iraqis Missing Documentation

Despite the efforts and progress already being made by the Iraqi government, along with international assistance, there are still thousands of Iraqis lacking at least one core civil document. Some segments of the population who are missing documents in disproportionate numbers and face exceptionally difficult barriers to obtaining them include IDPs and returnees; women and children; people perceived to be affiliated with ISIS; and the Yazidi. There are other groups missing documentation who also face extreme challenges in accessing it including Iraqi ethnic minorities such as the Bidoon, Dom, and Faili Kurds; and religious minorities such as the Bahai. Although these groups are beyond the scope of this report, their lack of inclusion should in no way be understood as minimizing the severity of their needs and the importance of finding urgent solutions to the crisis of their missing documentation as well.

I. IDPs and Returnees

More than 6 million Iraqis were forced to flee their homes during the conflict with ISIS.⁶⁵ Most of them came from the majority-Sunni Arab governorates of Nineveh, Anbar, and Salah al Din, while smaller numbers came from the ethnically and religiously mixed governorates of Kirkuk and Diyala. Others were displaced from Basra and regions in southern Iraq by social unrest following the conflict with ISIS.⁶⁶

As of April 2023, approximately 4,835,784 individuals (comprising 805,964 households) have

returned to their areas of origin. Recently, the districts of Mosul, Sinjar, and Al-Baaj in the governorate of Nineveh have witnessed the highest increases in returning households. These returns are driven by factors including the desire to reunite with family members; improving living conditions and available services in areas of origin; assistance with returning; the closure of Jeddah 5 IDP camp in Nineveh Governorate and other camps; and lack of financial means to afford rent in areas of displacement such as East and West Mosul. While most returnees (96%) have gone back to their original residences, approximately 4% live in critical shelters, including unsafe and damaged homes, makeshift structures, unfinished or abandoned edifices, and public buildings.⁶⁷

Although the majority of Iraqis who fled ISIS have returned to their areas of origin, another 1,157,115 individuals (comprising 198,653 households) remain internally displaced as of April 2023. They have not been able to go home for a variety of reasons, including lack of services and job opportunities in their areas of origin; safety concerns; property destruction; and movement restrictions imposed by Popular Mobilization Forces (PMF) and Iraqi and Kurdish Regional Security Forces. Just over half (56%) of remaining IDPs originate from the governorate of Nineveh, particularly the districts of Mosul, Sinjar, Al-Baaj, and Tel Afar. Another 22% come from Anbar and Salah al-Din governorates. The largest concentrations of IDPs currently live in Nineveh and the governorates of Dohuk, Erbil, and Sulaymaniyah in the autonomous Kurdistan Region of Iraq. Approximately 76% of these IDPs live in private settings, while 15% live in camps. Another 9% live in critical shelters, especially in the districts of Sumel and Kirkuk.⁶⁸

In Multi-Cluster Needs Assessment (MCNA) Number IX of September 2021, OCHA reported that 1.1 million IDPs and returnees were missing at least one core identity or civil document.⁷⁰ According to the MCNA Number X of 2022, that number was down to 433,000 individuals.⁷¹ It is encouraging that so many IDPs and returnees have been able to access missing documentation since 2021. However, with thousands still lacking at least one key document, the problem is far from resolved.

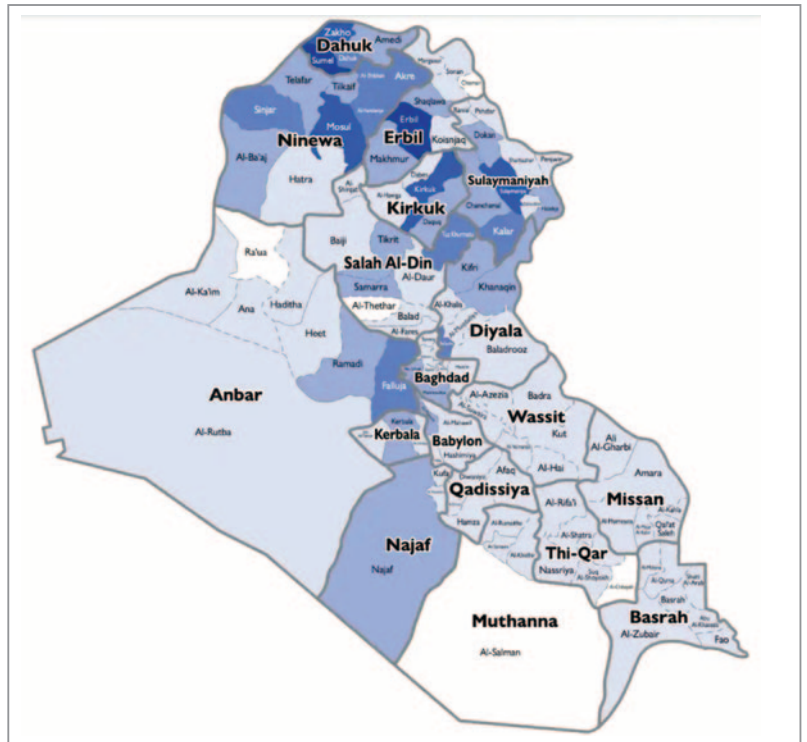


Dohuk Displacement Camp

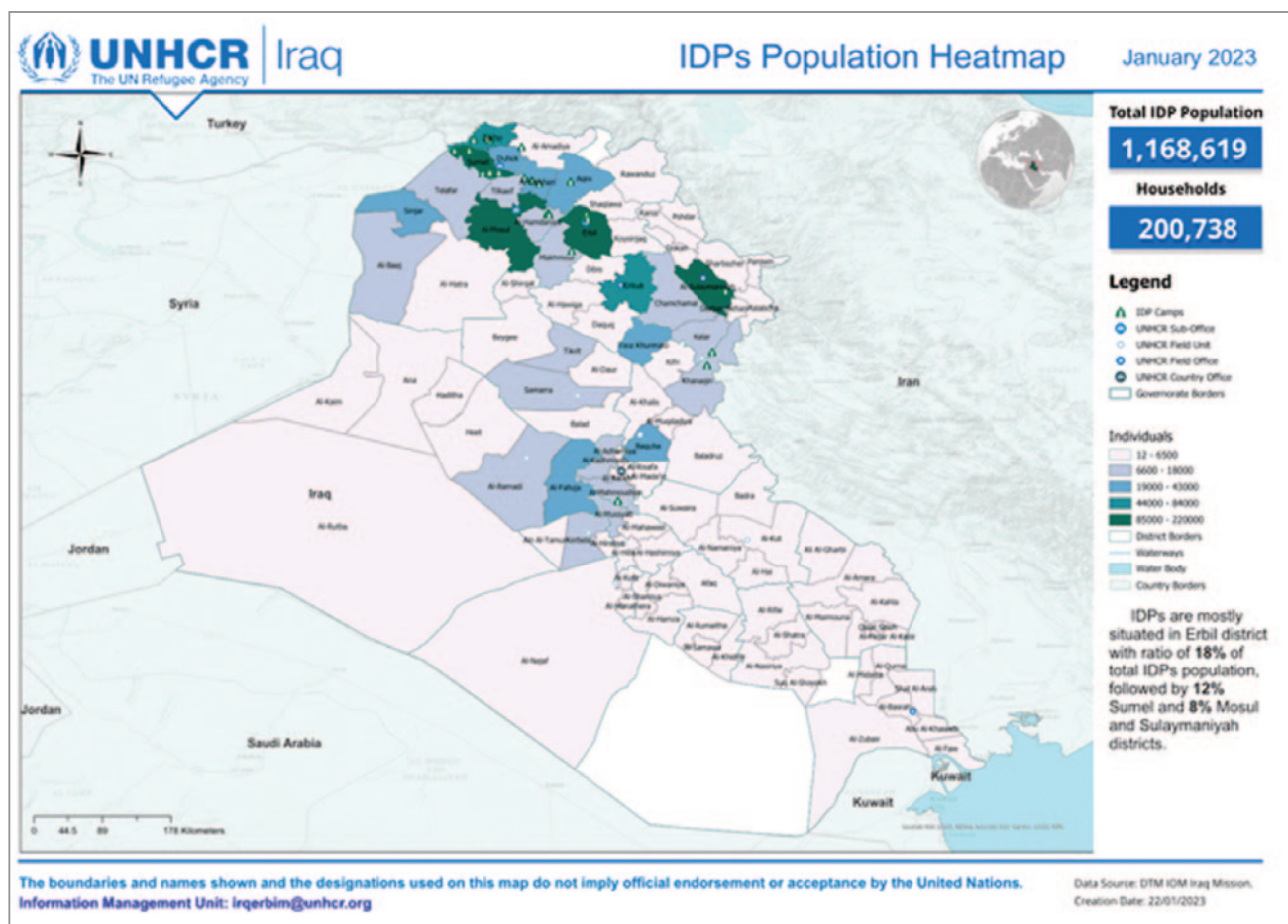
II. Women

Iraqi women frequently encounter disproportionate challenges obtaining documentation compared to Iraqi men. According to IOM's legal needs assessment report, nearly 70% of respondents agreed that women encounter greater obstacles than men when it comes to obtaining civil documentation and HLP rights.⁷² The same assessment found that the main barriers to women being able to access documentation and HLP were lack of information, difficulty in reaching relevant government offices, misperceptions about their inheritance rights, a belief that male presence was required when transacting business, and perceptions of favoritism towards men.⁷³

Many important Iraqi civil documents, including the PDS Card and the Residency Card are issued in the name of the head of the household. Female heads of households – women who have been widowed, abandoned, or divorced by their husbands – applying for documents in their own names are required to submit extra supporting documentation than their male counterparts such as divorce papers or the death certificate of their spouse. Moreover, although it is not a legal requirement, it is the usual practice in



Map 1.2: Districts of origin of current IDP population⁶⁹





Ankawa, Kurdistan, Iraq

Iraq that the names of married women are not often listed on title deeds and, as a result, their husbands must sign off on housing, land, and property transactions.⁷⁴

The conflict with ISIS has exacerbated these discriminatory hurdles. Many women married during the war do not have valid marriage certificates. They might understandably have been unable to legally register the marriage in a Personal Status Court while suffering under forcible displacement, ISIS occupation, or military operations. Some marriages were registered by the bureaucracy ISIS established in the territory under its control. However, the Iraqi government does not recognize the validity of any civil documents issued by ISIS. Moreover, it is unlikely that anyone would present such documentation to Iraqi officials, for fear of being perceived as connected to ISIS. In some governorates, women are required to show their marriage certificates to give birth in hospitals.⁷⁵ Marriage certificates are also prerequisites for obtaining children's birth certificates.

In addition to missing marriage certificates, many women must also contend with spouses having died or disappeared as a result of the conflict. Their husbands' absence makes it especially onerous for these women to obtain marriage certificates, since

both spouses are required to be present in a Personal Status Court to legally register a marriage. To obtain a marriage certificate, a woman whose husband has disappeared must file a lawsuit against him in a Personal Status Court and present the requisite documentation, including her Civil Status ID Card or Unified National ID Card, a letter certifying his last known residence, and a wedding photograph. If her husband is deceased, she must also submit his formal death certificate.

In many cases, though, a formal death certificate does not exist – particularly if the husband was killed during fighting when no accredited medical professional was on hand to issue one. As noted earlier, the intelligence services will seek a security clearance if the deceased is perceived to have been affiliated with ISIS. A woman who does not have her spouse's death certificate in her possession must find two witnesses to testify to the marriage and the husband's death. If her husband is missing and not confirmed dead, the Court will send a summons to appear to his last known address. Should he fail to materialize, his family members will be summoned to testify to the marriage on his behalf. Should they also fail to appear, the woman must provide physical proof of the marriage. Only when the Personal Status Judge is satisfied by all this evidence will he or she issue the marriage certificate.⁷⁶

All courts have a record of all contracts they issue. If a marriage certificate is lost, the spouses must approach the court that issued the contract and submit their application for it. At this point, spouses are provided with a certified copy of the contract. If the marriage contract that was concluded outside the court was not certified by the court and the husband died, then a lawsuit must be filed against the heirs, witnesses must be brought, and any supporting documents must be presented to the court. However, if the husband disappears or if the husband's place of residence is unknown, then a marriage contract to a person unknown whether alive or dead shall not be certified. In that instance, a complaint must be filed by the family about the person's disappearance before the competent court, which is the Investigative Court, noting in it that this person is missing, and no one knows his fate. After completing the legal procedures by the Investigation Court, his family must issue "proof of interdiction and guardianship". After four years of issuing "proof of interdiction and guardianship," the wife can file a lawsuit to establish "proof of marriage and "proof of paternity" against her husband's guardian.

Widows who do not have their husbands' death certificates also face additional difficulties beyond registering their marriages. Without this crucial documentation, these women cannot engage in property transactions or claim lawful inheritances.⁷⁷

"Fatima's" Story

- "Fatima" is an IDP widow living in Erbil. She does not have identity documents or a copy of her husband's death certificate. Her marriage was never legally registered because her spouse's family did not want to confirm it before the Personal Status Court. She has no other witnesses to the marriage. With no marriage certificate and no death certificate, she has been unable to claim her inheritance.

They cannot obtain other core household documents in their own names. They cannot collect insurance, pensions, or other financial support available to widows if they are from a family with perceived affiliation to ISIS. The patriarchal nature of the Iraqi documentation system is such that married women can only access civil documents, and the services and rights they underpin, through their husbands – whether alive or dead. Women who were widowed by the ISIS conflict but have no proof of death find themselves in a distressing legal limbo: they remain under the protection and control of husbands who can never consent to their dealings. These women also face difficulties if they attempt to remarry. Thus, they continue to be denied access to the social and economic benefits often conferred by marriage.

III. Children

According to reporting by OCHA, approximately 450,000 of the IDPs and returnees missing documentation in 2021 were children.⁷⁸ Many of these children do not have valid birth certificates. Their parents – busy fleeing, fighting, or sheltering from violence – might understandably not have had time to register their births in the required 15-30 day window. Some children born in territories under ISIS control have birth certificates issued by the ISIS bureaucracy, which are not recognized as valid by the Iraqi government.

Without birth certificates, children are at risk of being relegated to life in the margins. They are at heightened risk of statelessness and cannot obtain other important civil and identity documents; prove their nationality; move freely within or outside of Iraq; attend formal schools; receive educational certificates; or access essential services, including healthcare and welfare. When they grow up, they will not be able to legally register their marriages or their children, own or rent property, collect inheritances, or find formal employment.⁷⁹

Moreover, children missing documentation are more likely to be engaged in child labor. In 2022, the International Rescue Committee (IRC) found that in neighborhoods in East Mosul, more than 50% of returnee households and 25% of IDP households reported having one or more children engaged in work, compared to more than 20% of host community households. Fully 95% of children surveyed were missing civil documentation, including birth certificates and identity cards, without which they could not enroll in school or access social services.⁸⁰ Additionally, young girls could be at risk of early forced marriages if they are marginalized and prevented from attending school.⁸¹

IV. Iraqis with Perceived ISIS Affiliation

The United Nations Development Programme (UNDP) defines “persons affiliated with ISIS” as anyone, regardless of age, relationship, gender, or other status, whom Iraqi authorities believe has had contact with the terrorist organization, including combatants; civil servants who worked in administrative and service institutions under the ISIS occupation, even if they did not join the group; victims of ISIS capture and trafficking, including thousands of Yazidi women and children; and Iraqis with family ties to ISIS, through blood or marriage, up to the fourth degree.⁸³ Civilians who lived under ISIS rule for extended periods of time are frequently viewed as “collaborators,” even if they were not members or supporters of ISIS. Families who fled the occupation are often angry at those who stayed in the conflict areas, and frequently accuse them of ISIS affiliation. This is not a harmless accusation, since suspected collaborators and Iraqis with perceived ISIS affiliation are often stigmatized, socially and economically excluded, and even subjected to violent retaliation.⁸³

Perceived ISIS affiliates and collaborators are missing documents for similar reasons to IDPs and returnees – documents were lost, destroyed, confiscated, invalidated, or never issued during the conflict. However, many people with suspected ties to ISIS also deliberately disposed of their civil documents to prevent the government from connecting them with any prior affiliation with ISIS.⁸⁴

Those with perceived ISIS links also have great difficulty accessing missing documentation. Many Iraqis seeking documents, especially IDPs, must travel to Civil Affairs Directorates far from their current locations and pass checkpoints along the way. To do so, they require security clearances,



Outskirts of an IDP camp, Anka, a suburb of Erbil in northern Iraq.

which those suspected of ISIS affiliation are routinely denied. Without security clearances and any other government issued identification or approved documentation, these Iraqis cannot move freely within the country or access distant Civil Affairs Directorates.

Moreover, those who do manage to apply for new or replacement documents at local Civil Affairs Directorates are often rejected. IILHR and other NGOs and lawyers have documented cases in which Iraqis who have submitted applications for civil or identity documents are subjected to background checks by security and intelligence forces. If the name of a family member appears on any of the various “wanted lists” or databases compiled by Iraqi security forces, their applications end up in limbo. Some applicants have even been detained. Lawyers who are helping families with perceived ISIS ties obtain missing documentation are also routinely threatened, harassed, and even been detained and driven to quit, mainly by Iraqi security actors who are present in Civil Affairs Directorates or courts.⁸⁵ As a result of all these obstacles, and fears of arrest or further stigmatization, many Iraqis with perceived ISIS affiliation do not even try to access missing documentation.⁸⁶

V. The Yazidi and Other Vulnerable Groups⁸⁷

The Yazidi are a Kurdish-speaking religious minority based mainly in northern Iraq. When ISIS swept into Iraq in 2014, they issued an ultimatum to all members of the Yazidi community: convert or die. In the genocide that followed, thousands of Yazidi were murdered in mass executions.⁸⁸ Many others died of

exposure, thirst, starvation, and injuries on Mount Sinjar, where close to 100,000 Yazidi fled to escape the genocide. Thousands of Yazidi women and girls were trafficked and enslaved by ISIS fighters, brutalized, and subjected to repeated rape and sexual violence, with the ongoing abuse frequently leading to their deaths. They were forced to convert to Islam and married off involuntarily to ISIS militants. Boys as young as seven were separated from their families, brainwashed, and conscripted into child armies.⁸⁹

Children born to Yazidi mothers and ISIS fathers are at particular risk of statelessness for cultural reasons.⁹⁰ Long a persecuted minority in Iraq, the Yazidi have responded by maintaining the isolation of their community. ISIS used rape as a weapon of genocide to try to alter and eradicate the Yazidi bloodline. This is particularly damaging as Yazidism is an insular religion in which a child can only become Yazidi if both parents are Yazidi. Further, Yazidism does not allow converts to the religion. By using rape as a weapon, ISIS fighters ensured that any children born to Yazidi women would not be considered Yazidi by the community or the State.⁹¹ Additionally, Article 20 (second) of the National Card Law states that any child of unknown parentage shall be considered Iraqi Muslim unless proven otherwise.⁹² In 2019, Yazidi elders, including the Supreme Yazidi Spiritual Council leader *Baba Sheikh*, issued a decision allowing Yazidi girls and women enslaved and trafficked by ISIS to return to the community. However, this decision has led to a counter-productive backlash from conservative members of the Yazidi community, and arguably further stigmatized the children of rape survivors.⁹³ Shortly after the decision was made public, the Council clarified that the children of Yazidi mothers and ISIS affiliated fathers were not welcome.⁹⁴ As a result, these Yazidi mothers – many of whom were no more than children themselves – were forced to decide whether to remain with their children or give them up in exchange for acceptance back into their community.⁹⁵ A report by the SEED Foundation found that most of these mothers gave up their children under terrible pressure. It is not clear whether these children – many of whom were left behind in Syria when their enslaved mothers were liberated and can no longer be traced – have obtained Iraqi citizenship.⁹⁶

Yazidi who are former ISIS captives, including children, face extremely complex and time-consuming procedures to obtain civil documentation. Although the Constitution and the Iraqi Nationality Law of 2006 grant women the ability to pass on citizenship to their offspring, in practice it is difficult to obtain civil documents for children without proving paternal lineage and being in possession of the father’s documents.⁹⁷ Mothers

“Hajir’s” Story: Forced Marriage and Missing Documents

- “Hajir” is an IDP living in Mahmoudiyah. When ISIS occupied her home in the governorate of Anbar, Hajir was forced to marry an insurgent, whom she only knew as Abu Bakir. The marriage lasted just one week, but she became pregnant and eventually gave birth to her son. The child remains completely undocumented. Hajir faces significant discrimination due to the circumstances of her marriage and the alleged crimes committed by her child’s father. She has sought assistance from several lawyers. One visited the Civil Affairs Directorate in Mahmoudiyah to inquire about obtaining a Unified National ID Card for her son. However, he found no options available without a Proof of Lineage. Another lawyer tried to approach the Personal Status Court in Mahmoudiya, but the only option given there was for Hajir to acknowledge her child of “undetermined parental lineage” (*majhoul al-nasab*). Given the stigma this brings in Iraqi society, she refuses to do so. She remains displaced in Mahmoudiya, and her son still has no documentation.

who cannot meet these evidentiary requirements are forced to declare their child a “of undetermined paternal lineage” (*majhoul al-nasab*), or, in other words, born to an “unknown father.” It is difficult to find examples of this occurring, particularly in governorates hosting the majority of IDPs, given the incredible stigma attached these children and their mothers in Iraq. Moreover, according to the Civil Status System Law of 1974, Iraqi Juvenile Law and National Card Law of 2016, children of “undetermined paternal lineage” are considered to be Muslim.⁹⁸ Therefore, in the exceptional case that a Yazidi woman would agree to register her child as a having “undetermined paternal lineage,” that child would be banned from the Yazidi community.⁹⁹

In 2021, the Iraqi Parliament passed a long overdue Yazidi Survivors’ Law to provide reparations for Yazidi and other victims of ISIS atrocities. However, the law makes no mention of specific solutions for children born of sexual violence, who are at high risk of statelessness.¹⁰⁰ Identity documents will be crucial to ensuring the Yazidi Survivors Law is effectively implemented.¹⁰¹ Yazidi and international advocacy groups have developed a strong set of rights-based policy recommendations for easing evidentiary barriers to obtaining documentation for Yazidi survivors and their children. Lawmakers in the KRI have also proposed legal remedies, including registering the children of Yazidi survivors under the names of their maternal grandfathers.¹⁰² Solutions such as these could potentially assist future reintegration of these children into the Yazidi community.



Sharya camp for IDPs inhabited by a majority of Yazidis, Duhok, 2021

5. Major Challenges in Obtaining Documentation

Iraqis who reside in conflict-affected areas face major obstacles in accessing and obtaining civil documentation. The system of civil registration is under-resourced, complex, expensive, and often inaccessible for displaced Iraqis. As revealed in interviews conducted for this report, IDPs, returnees, and other individuals missing documentation experience a host of often interconnected barriers when applying for new or replacement documents. This report examines five of the most commonly cited obstacles: inaccessibility of public institutions; prohibitively high costs; security clearance requirements; opaque, complicated, and inconsistent administrative and judicial procedures; and unrealistic evidentiary prerequisites.

I. Inaccessibility of Public Institutions

While there are provisions by MOI that grant IDPs a security permit for movement, security clearances are a major barrier to accessing documentation – particularly for Iraqis with perceived ISIS affiliation. These clearances are required to leave IDP camps, pass checkpoints, receive compensation for property destroyed in the conflict, and issue or renew missing documents.¹⁰³ The procedures for obtaining security clearances are constantly evolving and vary by governorate. They usually involve getting a certificate from the *mukhtar*, tribal sheikh, or other community leader in the applicant’s area of origin, asserting that they are not linked to ISIS. This is not always possible for displaced families to do. Applicants’ names are also run through security databases of suspected ISIS members to ensure they are not on any wanted lists. This can also happen to applicants for civil documentation as part of a background check by security and intelligence agents in Civil Affairs Directorates.

Unfortunately, these security databases are notoriously unreliable. No actual evidence of ISIS affiliation is required to put a name on a security watch list. Indeed, some people wind up in databases because community members baselessly accuse them of ISIS membership in revenge for personal or tribal grievances. Different security forces keep their own databases and there is little attempt to cross-reference between them. Once a name has been put on a watch list, it is extremely hard to appeal or reverse the decision.¹⁰⁴

Many Iraqis are unfairly denied security clearances. The prevalence of common names, such as “Muhammad Ahmed,” can create difficulties. If one individual of that name is placed on a watch list, anybody else with that name can be denied a security clearance and/or be arrested.¹⁰⁵ Some people have been rejected for clearances and even detained because their surname merely resembled one appearing in a database, despite no other evidence of ties to ISIS.¹⁰⁶ Those whose relatives’ names appear on watch lists are also denied security clearances, even if they are not themselves affiliated with the terrorist group or their relatives have been falsely accused. Without security clearances, Iraqis cannot access civil documentation. They risk statelessness and life in society’s margins. Thus, security clearance requirements actually undermine the future security and stability of Iraq by creating a population of vulnerable, stigmatized, and desperate people.¹⁰⁷

In September 2022, the National Security Council issued a directive announcing that security clearance requirements for IDPs who are returning to their areas of origin were canceled.¹⁰⁸ However, the directive did not include the majority of IDPs located in the Kurdistan region or Iraqi refugees who remain outside of Iraq. While this is a positive step forward in eliminating barriers to documentation, the decision is not consistently implemented at the local level, particularly in areas where the PMF are an important stakeholder. In the meantime, other solutions to the problem of failed security clearances due to family members’ perceived ISIS affiliation have emerged. Although they have no basis in Iraqi law, these practices have become common in many areas and have evolved to include the participation of state judges.

“The security clearance does not facilitate things everywhere because we do not have a central computer system. The system data of the Popular Mobilization Units is different from the system data of the Federal Police, and the Federal Police do not recognize the Army’s system, and the Army does not recognize the data of the Local Police, and Intelligence Agencies do not recognize any of the data.”

NGO lawyer working in Kirkuk Governorate

As noted earlier, one of the requirements for obtaining civil documents for Iraqi women, although not legally required or recognized by the highest courts in Iraq, is *tabriya*, a process of “disavowal” or “denouncement.” This tribal tradition involves a person formally renouncing a relative who has committed a serious crime and dishonored the tribe, leading to the banishment of the offender. In 2016, some tribes in Anbar persuaded the judiciary to adapt *tabriya* to be used in state courts. In this version of the practice, a person files a criminal complaint against a relative for alleged ISIS membership, and the approving judge issues a document certifying that the petitioner is innocent of ISIS affiliation, thus green lighting a security clearance.¹⁰⁹

The practice of *tabriya* has become widespread, especially in regions formerly under ISIS control, and mainly takes place in Investigative Courts.¹¹⁰ In 2018, there were reports that the Ministry of Interior had issued a directive ordering the family members of alleged ISIS members to appear in court to give information on the location of these relatives and denounce them.¹¹¹ However, despite its extensive use and even requirement in some areas, *tabriya* has many drawbacks. It does not guarantee that people who go through with it will obtain their documentation. In a culture that highly values family loyalty, people who denounce their relatives can be stigmatized and rejected by their communities. Moreover, the process serves as an

Tabriya and Khila'a Do Not Always Work

- “Um Omar,” originally from Tel Afar, is currently displaced in Mosul with her seven-year-old son “Omar.” Her husband is wanted by security agencies for affiliation with ISIS. Omar has a birth certificate, issued while ISIS controlled Mosul, but does not have a Civil Status ID. As a result, he cannot enroll in school. Um Omar tried to begin the process of obtaining identity documentation for her son in Tel Afar but was prevented by fears of tribal retaliation for her husband’s actions and lack of security clearance. She hired a lawyer and completed the *tabriya* process. She subsequently divorced her husband in Mosul’s Personal Status Court. However, intelligence services in Mosul refused to approve the final security clearance, reportedly because her husband is still wanted by security forces in Mosul. As a result, she remains in Mosul and is unable to obtain a Civil Status ID or other documents for her young son.

admission of the relative’s guilt, which can endanger the entire family.¹¹²

To receive security clearances, women whose husbands are ISIS-affiliated must often state their intention to dissolve their marriages (*khilaa* in Arabic) in addition to carrying out *tabriya*. Essentially, these women must give up all spousal rights, including inheritance, custody, and dowry. In a Focus Group Discussion, an IDP living in Nineveh reported that “women need ‘disavowal proof’ and ‘guardianship proof’ to take care of their children and to complete the paperwork needed to obtain identity documents.”¹¹³

Barriers to Tabriya: Costs

- “Shahala” and her six children live in Khazer Camp. She agreed to get married because she feared for her life, but since she was married under ISIS rule, she could not get a court-issued marriage certificate. Her husband is accused of ISIS affiliation and has been sentenced to 15 years in prison. She currently faces deep financial difficulties and depends on NGOs for support. Her children are all undocumented, with no birth certificates and no IDs. Shahala is also missing her ID. Her school-aged children are unable to enroll in school. Though mobile legal teams have been deployed to the camps, she says as soon as they learn that her husband is accused of ISIS affiliation, they do not proceed with the process of issuing documentation. She was told she needs to perform *tabriya*, but the procedure requires going to Mosul, which she cannot afford.

Barriers to Tabriya: Innocence and Family Loyalty

- Abu Mohammad, originally from Hawija, is currently displaced in Kirkuk. Following the conclusion of military operations, his son, who had been placed on a watch list, was arrested by the Iraqi Security Forces, and spent six months in detention while under investigation. A judge eventually ordered his son’s release. But in 2019, his son was arrested a second time at a checkpoint because his name came up as “wanted” on one of the security databases. He was held for eight months, investigated, and released once again. After he was released, Abu Mohammad’s son got married and had a child who does not have a Civil Status ID. Abu Mohammad’s son is now reluctant to approach government departments because he fears that his name has not been cleared in the security database. Abu Mohammad tried to clear his son’s name several times by approaching the Intelligence department at the Ministry of Interior with documents demonstrating that he had been acquitted of the allegations. However, he faced complex and lengthy procedural barriers. Abu Mohammad tried to obtain a Civil Status ID for his grandchild, but he could not without his son being present. Abu Mohammad’s son will not visit the Civil Affairs Directorate for fear of being detained a third time. Abu Mohammad was asked to denounce his son to proceed with obtaining his grandchild’s documentation, but he has refused since his son has already been declared innocent.

II. Inaccessibility of Public Institutions

In most cases, applications for civil documentation must be made in person. However, the institutions tasked with issuing these documents, including Civil Affairs Directorates, ration centers, and courts, are chronically under-funded, under-staffed, and overcrowded. Some branches are permanently closed or remain damaged as a result of the conflict. Some offices are open for less than five hours per day, functioning at 50% capacity.¹¹⁴ This causes extensive backlogs of cases, long waits in person, and protracted processing times. Multiple visits are often necessary, which costs applicants more time and money going back and forth, waiting in line, making childcare arrangements, and missing work. Severe over-crowding can also reportedly make some women feel uncomfortable visiting these offices without male chaperones.¹¹⁵

Applicants must usually visit the local CAD where they are registered to obtain civil documents. For IDPs, this means returning to the governorate where they were born, which often proves impractical or impossible and can also be unsafe. The costs associated with traveling long distances can be

prohibitive for many displaced families. Those with perceived ISIS affiliation have difficulty getting security clearances to move freely between locations. They might also fear reprisals if they return to areas where they are not welcome.¹¹⁶ Allowing Iraqis to apply for documents at any CAD would help reduce the numbers of Iraqis missing documentation.

III. High Costs

Even if conflict-affected Iraqis missing documentation can access Civil Affairs Directorates and navigate the long lines, the costs associated with the process of obtaining documentation are often prohibitive. In fact, according to the most recent Multi-Cluster Needs Analysis (MCNA), high costs are the main barrier to accessing civil documentation – particularly for IDPs.¹¹⁷ Many families face worsening financial conditions and appear less economically resilient now than they did in 2021. Inflation and the global trade impacts of the war in Iraq are exacerbating these economic difficulties. Many households cannot afford the fees involved in issuing or renewing documents.¹¹⁸

There are also other costs associated with procuring civil documentation beyond the formal fees, including:

- Fines penalizing late registration of life events;
- Travel costs incurred visiting Civil Affairs Directorates and courts, often multiple times; and
- Legal fees for people who need the assistance of lawyers, especially those with perceived ISIS affiliation who fear arrest or detention if they visit public institutions to apply for documents.

In Erbil, it can reportedly cost around IQD 700,000 (approximately USD 467) to hire a lawyer to help obtain documentation. This is beyond the financial means of most conflict-affected families. While some NGOs and humanitarian aid organizations offer legal assistance to needy Iraqis, they do not have the resources to help everyone who requires it.

While there have been acknowledgements that corruption is being rooted out, there is still some financial corruption that contributes to challenges facing Iraqis seeking to obtain civil documentation. Applicants for missing documentation sometimes need to pay bribes in addition to other fees and costs. Some Civil Affairs Directorate officials demand that applicants pay them bribes up to IQD 1,000,000 (USD 840) to prevent delays in processing their cases. There are also instances of officials stealing the money that desperate people pay without ever issuing any documents. Families with perceived ties to ISIS can feel pressured to bribe security actors as much as IQD 6,000,000 (USD 5,000) to remove their

Bureaucratic Nightmares

- Originally from Bartella in the governorate of Nineveh, "Abu Qusay" fled his home during the conflict with ISIS and now lives in IDP sites in Erbil. He lost his money, assets, and documents during the war. He wanted to replace his documents in Bartella, but the CAD there was destroyed. He attempted to obtain his lost documents in Erbil but faced significant challenges. He was refused assistance initially because his civil registry was in Bartella, not Erbil. He was also extorted for \$700 on at least one occasion. Eventually, he obtained a security clearance that involved verifying his name and the names of his relatives in the Central Archive in Baghdad. In 2019, with support from the Civil Affairs Directorate in Bartella, he finally received his documents after a prolonged period of delay.



Bardarash camp in Dohuk Province, Kurdistan Region Photo: Rudaw

Table 1.1: The Cost of Civil and Identity Documents as of April 2023¹²¹

Document	Fee	Source of Information
Civil Status ID Card*	750 IQD	Babel Nationality Directorate
Nationality Certificate*	2,500 IQD	Babel Nationality Directorate
Residency Card	2,500 IQD	Hill Information Office
Unified National ID Card	5,000 IQD	Babel Nationality Directorate
PDS Card	1,000 IQD	Food distribution office in Babel
Marriage Certificate	50,000 IQD for medical test 10,000 IQD Personal Status Court fee 11,000 IQD for certificate	Hashemyia Hospital and Hilla Personal Status Court
Birth Certificate	5,000 IQD (6,000 IQD for late registry)	Al-Hashemyia Hospital
Death Certificate	Free	Al-Hashemyia Hospital

Notes:

* These documents are technically not supposed to be issued since the Unified National ID Card began to be rolled out in 2016.

relatives' names from watch lists so they can get security clearances and pass background checks.¹¹⁹ There are also services available to expedite access to the new Unified National ID Card that can feel extortionate to impoverished IDPs and returnees, such as private agents charging up to IQD 50,000 (USD 33) to book online appointments for applicants who do not have internet connectivity, and so-called "VIP" services that, for IQD 250,000 (USD 167), enable clients to skip submitting additional prerequisite documents in their applications.¹²⁰

IV. Complex, Opaque, and Inconsistent Bureaucratic Procedures

The complexity of bureaucratic procedures is another major barrier to accessing missing documentation, and one frequently cited by IDPs and returnees in the most recent MCNA.¹²² Many people do not understand how to navigate confusing administrative and judicial processes with multiple steps and evidentiary requirements that are often not made publicly available. Although the humanitarian community has undertaken significant efforts to furnish IDPs with basic information on the procedures and prerequisites of civil document applications and life event registrations, knowledge gaps remain – particularly in impoverished communities with lower literacy rates.

Procedures for issuing documents can vary depending on the circumstances under which these documents are missing. For example, thousands of children born during the conflict with ISIS are missing birth certificates – some were never issued, because the relevant government facilities were

Prohibitive Bribes

- "Um Khalaf" and her children are IDPs who have all their birth certificates but only three Civil Status ID cards between them. They fled their home in Jurf Al-Sakhar, in the governorate of Babil, during military operations. Um Khalaf's husband was arrested and sentenced to prison for 20 years. She has a "proof of imprisonment" letter and her husband's Civil Status ID, as well as her children's birth certificates. Despite all this supporting documentation, when she visited the Civil Affairs Directorate in Al-Mayasab (the current location of the Jurf Al-Sakhar branch), she was unable to obtain her children's missing Civil Status IDs because she could not pay the large bribe the official demanded to finish processing her application.

destroyed, or the children were born as a result of conflict-related sexual violence; some were issued by ISIS but were never recognized by the Iraqi government.¹²³ The process for registering these births is slightly different in each case. If both parents are Iraqi nationals and they have a marriage certificate, they must apply for a birth certificate in a Personal Status Court (and submit the required supporting documentation). If the parents were married under ISIS occupation, they must first register their marriage with the Personal Status Court. This requires its own application process and the case may also be referred to an Investigative Court, if there has been a failure to register a marriage in a Personal Status Court.¹²⁴ If issued a proof of outside marriage certificate, the parents must submit that along with their personal identification documents, Residency Card and a fee to the Personal Status Court. If the court finds the evidence sufficient, the judge will issue the child's birth certificate.¹²⁵

For children born as a result of sexual violence perpetrated against their mothers by ISIS terrorists, the process of birth registration is even more difficult. According to Article 28 of the Civil System Law of 1974, children born out of wedlock will be registered after a decision by a Personal Status Court, which includes proof of paternity.¹²⁶ In cases of rape, proof of paternity might be impossible to establish. There are very few instances of Iraqi women choosing to keep children born out of sexual violence, since survivors are deeply stigmatized, isolated, and rejected in Iraqi society.¹²⁷ In the instances where a mother wants to keep the child, she must undergo DNA testing to prove she is the biological parent.¹²⁸ This requirement has been criticized by many human rights organizations in Iraq.¹²⁹ However, the administration of DNA testing continues at the discretion of the courts.¹³⁰ The stigma associated with these types of cases means that they are very rarely reported.¹³¹

Procedures and prerequisites for obtaining documentation are also not standardized across the country or even within governorates. Officials and judges in different areas adopt *ad hoc* measures and

apply varying evidentiary standards.¹³² In an interview, a representative of the Swedish Development and Aid Organization (SWEDO) told us that some workers at Civil Affairs Directorates refuse any applications for documentation that are missing supporting documents, while others accept incomplete applications. Some will only accept originals and reject photocopies of any requisite supporting documents that are lost or missing. Courts also vary on the number of DNA tests required in lineage cases. Others will accept the documents of close family members as supporting evidence.¹³³ Local authorities typically require displaced Iraqis to process documentation claims in person in their place of origin, including applications for the Civil Status ID, the Nationality Certificate, and the Unified National ID Card. This requirement is often applied to birth certificates as well, though it is not stipulated in Iraqi law.¹³⁴ Officials, judges and the PMF also exercise enormous discretion over whether and how they implement any central directives. This system breeds confusion, inefficiency, fraud, and corruption.¹³⁵

Difficulties Proving Paternity Can Prevent Access to Documentation

- “Um Marwa,” displaced from Anbar Governorate in Al-Haswa in Babil, lost her husband during the ISIS occupation. Her daughter, born in 2014, does not have a Civil Status ID and cannot attend school. Um Marwa retained a lawyer to get her child’s identity documents. However, due to the complexity and prerequisites of proving paternity, Um Marwa was unable to obtain the Civil Status ID for her daughter.

The Unified National ID Card Has Not Solved the Problem of Complex Bureaucracy

- “Omar Abu Abdullah” lost his Unified National ID in Mosul six months ago. He went to the court to report the lost ID but because the court was overcrowded, he was unable to see the judge. One of the local employees offered to complete the process for him in exchange for USD 400. He did not have that kind of money. He returned the next day to try again but was not successful. On the third day, he was told to go to five different police stations to report the missing ID and return to the court to publish the notice of the lost ID in the newspaper. He went to the police station to start this process but was told to return in ten days. After 20 days, he received a letter from the court and took it to the General Directorate of Police in Nineveh. After another two days, he obtained a letter from the Police addressed to the Directorate stating that he had lost his documentation. He then had to make an online reservation and pay IQD 25,000 (approximately USD 17). One month later, he went to the Directorate, but the ID had not been issued on the Baghdad side. He was asked to come back after another month. The entire process took about five months in total.

.....

“It is very hard to obtain documents for IDPs as there are no standardized document application requirements publicly available and there are many barriers which can simply make things to go terribly wrong, like for example the “similarity of names” issue. In such cases, a person not only will not get an ID Card but can also be arrested.”

NGO Lawyer in Erbil Governorate

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The introduction of the new Unified National ID Card, which began in late 2019, has further complicated the process of acquiring documents. The purpose of the new identity document is to replace the Civil Status ID Card and the Nationality Certificate and thereby simplify and streamline the procedures for acquiring civil documentation. However,, the Civil Status ID Card, Nationality Certificate and the Proof of Residence are among the supporting documents necessary to submit when applying for the Unified National ID Card. Issuance of the new document depends on possessing the old documents it purports to replace.

The roll-out of this new card has been fraught with other problems in addition to the aforementioned evidentiary requirements. Applicants must book an appointment online. This is a major hurdle for people without reliable internet connectivity, which includes many Iraqis in need of documentation. There have also been multiple reports across the governorates of Nineveh, Anbar, Diyala, Salah al-Din, and Kirkuk of the online booking system regularly malfunctioning. Even after applicants have managed to book their appointments, fill out

an online form, pay a fee, and submit their supporting documents, they must still visit their local Civil Affairs Directorate in person to register their biometric data. This information and the application are sent to the General Directorate of Civil Status, Nationality, and Residence in Baghdad, where applicants' names are screened through security databases before the Unified National ID Card is issued.¹³⁶

V. Evidentiary Requirements

A major obstacle to conflict-affected Iraqis obtaining their missing documentation is that one core civil document is often required to issue or renew another. Many Iraqis refer to the Civil Status ID Card, the Nationality Certificate, the PDS Card, and the Residency Card as the “golden square” because these documents are usually necessary in some combination to update each other and access essential services. However, many people might be missing the prerequisite supporting documents as well as the document for which they are applying.¹³⁷

Women are required to submit marriage certificates to obtain many documents, rights, and services, and even to give birth in hospitals in some areas. Although one study by the Ministry of Interior found that a third of Iraqi women living in territory controlled by ISIS were married during the occupation, most do not have valid marriage certificates. Some have certificates issued by the ISIS bureaucracy, but these are not recognized by the Iraqi government. It is also highly unlikely that anyone would maintain possession of any documents issued by ISIS. Many women do not want to be caught with these certificates by Iraqi security forces, for fear of being perceived as ISIS affiliates. Without valid marriage certificates, women face enormous difficulties registering the births of their children, if they can do so at all.¹³⁸

Without Already Having Civil Documents, IDPs Cannot Obtain Civil Documents

- In 2014, “Narin” was living with her family in Khansoor, a Yazidi village in the Sinjar district of Nineveh. When ISIS captured the area, Narin and her family fled to Mount Sinjar. They did not have a car and were not able to bring documents with them. Narin has been living in the IDP camps in Dohuk for more than seven years. Her mother died and her father is missing. She does not have their civil documents in her possession. She said she tried to renew her Civil Status ID but was told she did not have sufficient supporting evidence of her identity. It was recommended that she hire a lawyer which for most camp residents is an expense they cannot afford.

Missing Paternal Documents Leads to Missing Children's Documents

- “Um Issam” is an IDP living in the Mahmoudiya district of Baghdad Governorate. She has two sons, born in 2014 and 2017, who both have birth certificates but no Civil Status ID Cards. Their father is a suspected ISIS member and fled to northern Iraq. Um Issam has been unable to communicate with him. Even though she is still in possession of her own Civil Status ID Card, and she has birth certificates for her sons, she has been unable to obtain Civil Status ID Cards for them because she does not have their father's civil documents or a Proof of Lineage certification. Her oldest son, now in first grade, was suspended from school for not having his civil documents. Um Issam was able to obtain a provisional approval from the Director-General of the Second Karakh Education Directorate to allow him to remain for another month because final examinations were coming up. However, the administrator insisted that he must submit adequate documentation. Um Issam says she consulted an NGO lawyer who advised her that a Proof of Lineage certificate and at least one of her husband's documents were necessary to obtain her sons' Civil Status ID Cards. She has been unable to reach her husband's family. She does not have enough money to undertake the procedures required to address the issue, including hiring a lawyer, and making required visits to multiple directorates and government offices.



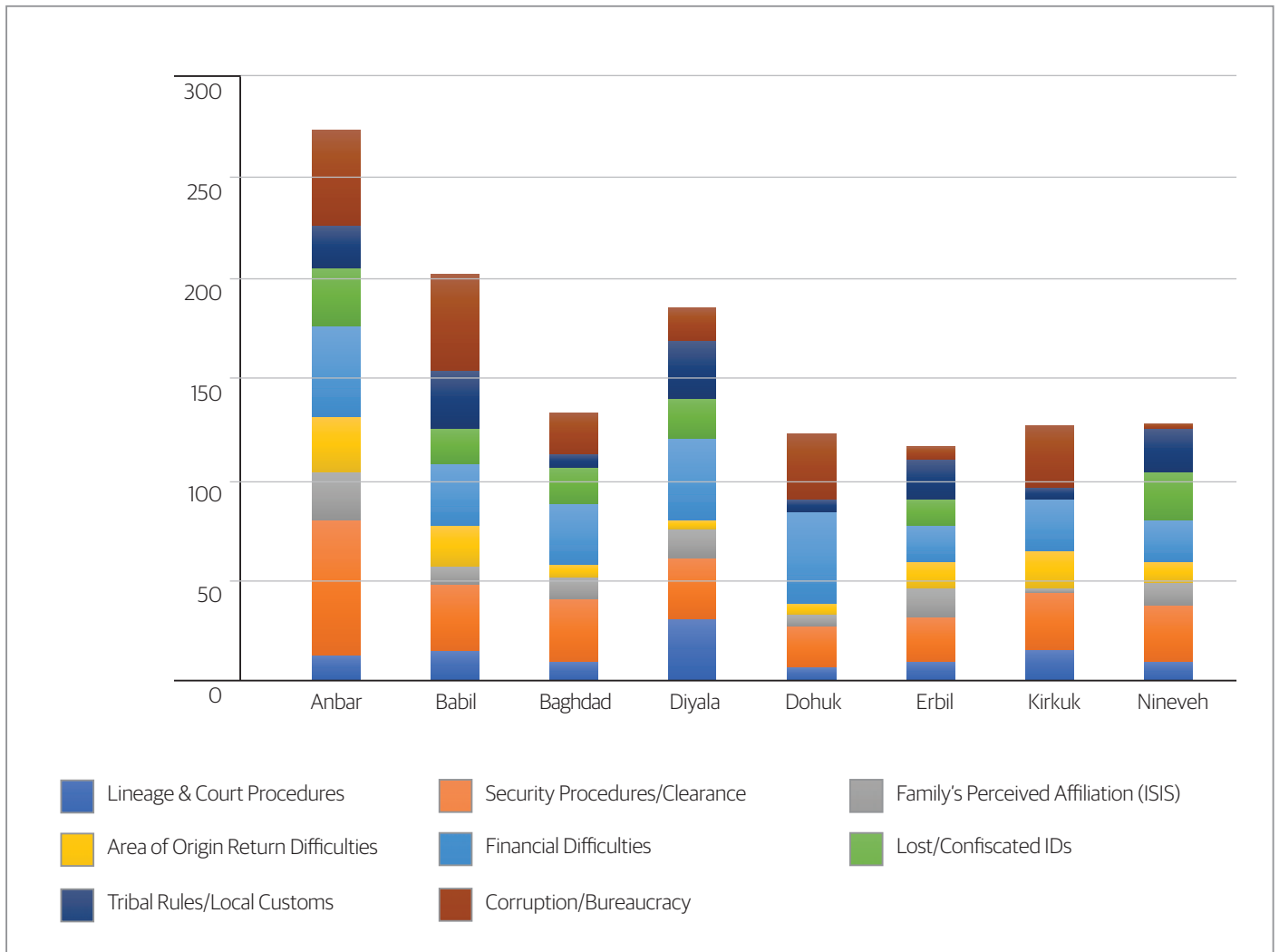
Barhaka IDP Camp-Erbil

6. Regional Variation

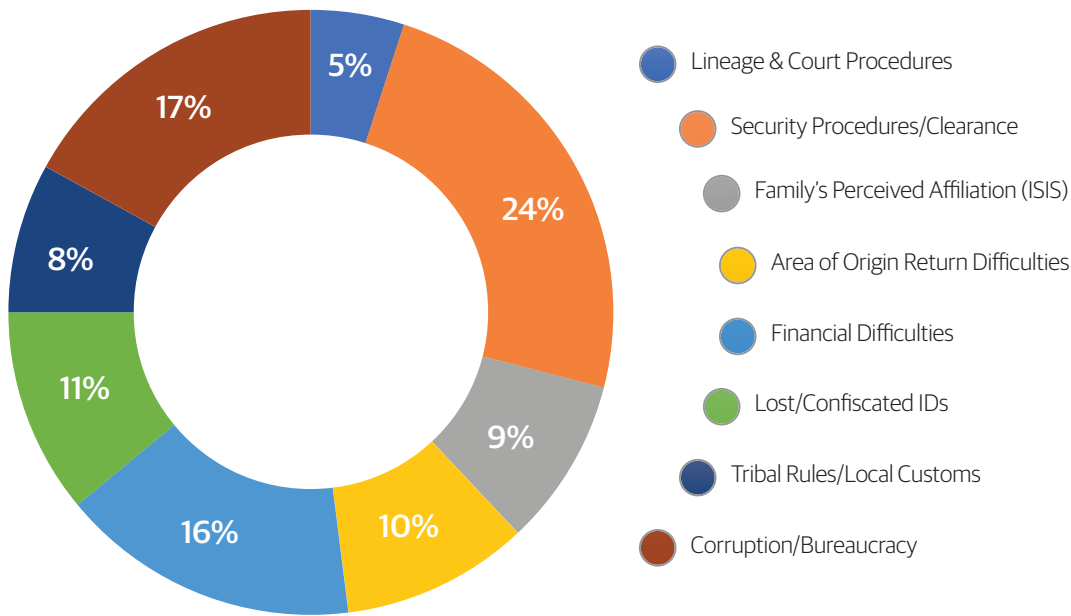
Although hundreds of thousands of Iraqis are still missing documentation, they are not equally distributed across the country. Most are concentrated in areas affected by the conflict with ISIS – governorates that were occupied, took in many IDPs, or both. Even within these governorates, variation

exists at the district and sub-district level in the number of people missing civil documents and the challenges they face accessing them. It is important to understand which regions have the highest priority documentation needs in order to focus humanitarian aid and policy solutions.

Figure 5.1: Most Reported Challenges by Governorate



Anbar Governorate: Reported Challenges



I. Anbar Governorate

The predominantly Sunni governorate of Anbar, Iraq’s largest province by landmass, fell under the control of ISIS in 2014.¹³⁹ By May 2014, approximately 72,325 households had already fled Anbar, and by September of that year there were 343,356 IDPs scattered in locations throughout the governorate.¹⁴⁰ In 2017, Iraqi government forces recaptured the Western Anbar desert, the last remaining stronghold of ISIS in the country.¹⁴¹ Some 54,546 people were displaced during these military operations, with the majority fleeing to Fallujah and Ramadi.¹⁴² In total, 1,677,616 people were displaced from homes in Anbar over the course of the conflict with ISIS. This is the second largest number of IDPs coming from a single governorate, after Nineveh.¹⁴³ As of April 2023, according to the International Organization for Migration (IOM) Displacement Tracking Matrix (DTM), the vast majority of these IDPs – 92% of them – have returned to their areas of origin. Anbar has the largest proportion of returnees of any governorate of origin.¹⁴⁴

There is some evidence that Anbar’s displaced populations have not lost documents in the same numbers as IDPs from other areas. The 2021 MCNA found that “substantially lower” shares of IDP and returnee households in Anbar reported missing at least one key document, compared to the national average (18%). Of surveyed districts in Anbar, Al-Fallujah had the highest share (14%) of households reporting missing documents. In Al-Rutba, only 3% of IDP and returnee households reported missing one or more documents.¹⁴⁵ In the most recent MCNA, just 6% of IDP households and 3% of returnee households in Al-Fallujah reported missing one or more civil documents.¹⁴⁶ However, the

proportion of IDP and returnee households missing documents in Al-Rutba has increased, to 6% and 12% respectively. These households in Al-Rutba most frequently cited the inaccessibility of CADs and courts (58%) and prohibitive costs (55%) as the main barriers to obtaining missing documents.¹⁴⁷

In our own fieldwork for this report, respondents in Anbar most often cited issues obtaining security clearances (25%), corruption (17%), and financial difficulties (16%) as obstacles to accessing documentation. Security clearances in the governorate are granted by the Anbar Operations Command, which coordinates with other agencies including the Anbar police and National Security. According to our interviews, women whose husbands are accused of ISIS affiliation are required to present “proof of imprisonment” letters certifying that their spouses are being held in government-run prisons before they can receive security clearances and obtain missing documents for themselves and their children. Local Ministry of Interior officials informed us that in some cases, the detained husband must be sentenced before his family can be “cleared.” In other cases, women are required to provide a “proof of imprisonment” letter as well as perform *tabriya* to get clearances. These local officials report that they receive instructions from Intelligence agencies, which stipulate the *tabriya* requirement.

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 “If the ISIS affiliated person is detained or forcibly disappeared, the wife is asked to present the letter of imprisonment (...). As for the issuance of the Unified ID Cards, they are not issued to her children unless she submits the letter of imprisonment, and until the judgment is final.”
 Ministry of Interior representative in Ramadi

Hurdles in Obtaining Documents: Proof of Imprisonment and *Tabriya* Requirements

- “Um Laith” used to live in Kharma District in the governorate of Anbar with her four young children. When ISIS captured Kharma District, Um Laith fled with her children to the Amariyat Al-Fallujah camp and remained there for three years. Her daughter had an expired Civil Status ID and her sons had only birth statements. Um Laith tried to obtain Civil Status IDs for her sons from the Fallujah Civil Affairs Directorate several times, but to no avail. Her application was reviewed by Ministry of Interior Intelligence and National Security but was denied because her husband was accused of ISIS affiliation. She sought support from a UN agency, which assigned her a lawyer. However, when the lawyer learned that Um Laith’s husband was being held in prison on accusations of ISIS affiliation, he was unable to assist further. A UN agency eventually assigned her another *pro bono* lawyer. She was required to undertake *tabriya*. Her lawyer also managed to obtain a “Proof of Imprisonment.” After all these attempts and steps, she was finally able to obtain Unified National ID Cards for her children from the CAD in Fallujah.

Our interviewers heard reports of policies being implemented in Anbar that have improved access to civil documentation for IDPs in the governorate. Several local officials mentioned a recent directive allowing displaced people in Anbar to obtain certain missing documents from any district in the governorate, meaning they would no longer be required to return to their areas of origin to process applications. Unfortunately, our interviewers were also told that this policy does not apply to all forms of civil documentation and that obtaining some documents, such as birth certificates, may still require IDPs returning to their areas of origin.¹⁴⁹

A Success Story: Easing Bureaucratic Barriers in Anbar

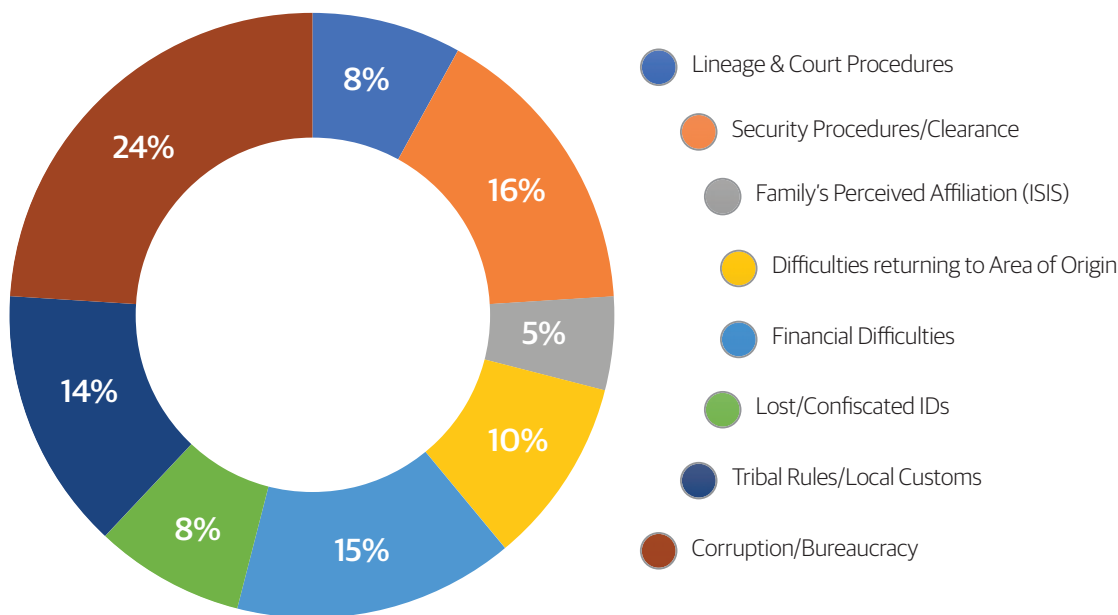
- “Nasser,” a resident of Al-Qaim in Anbar, fled ISIS with his wife and child. The family lived in the Amariyat Al-Fallujah IDP camp, also located in Anbar, for five years. Nasser managed to bring the family’s documents with him, including their Civil Status ID Cards. A few years after fleeing, Nasser’s wife gave birth to another child. However, when they tried to obtain a birth statement for the child in their IDP camp, they were refused. After several attempts, supported by an NGO lawyer, Nasser was finally able to get a birth statement from the Amariyat Al-Fallujah hospital. He then proceeded to obtain a Civil Status ID Card for his child. He also wanted to renew the Civil Status ID Cards of the rest of his family members. They were issued before ISIS took control of Al-Qaim and had expired. Initially, he thought he had to return to the Civil Affairs Directorate in Al-Qaim, but during the application process he learned that he could renew his Civil Status ID in Ramadi. He was told that the CAD in Ramadi can now issue and renew documents for residents of all districts in Anbar, after receiving clearance from intelligence and security agencies. In the end, Nasser’s second child and other family members obtained their Civil Status ID Cards.

Table: Capacity of Anbar Civil Affairs Directorates and Courts as August 2023¹⁵⁰

District	# of Internally Displaced Persons	# of Returnees	# of surveyed households missing personal documentation (REACH)	Operational Civil Affairs Directorates (CADs) in Sub-Districts	Operational Courts	Unified Identity Documents
Fallujah	18,120	572,262	1,648	Partially	Yes	Some
Ramadi	7590	602,388	5,262	Partially	Yes	Some
Ana	1,914	14,916	57	Partially	Yes	Some
Rawa	N/A	16,428	–	Partially	Yes	Some
Qaim	2,088	104,832	–	Partially	Yes	Some
Haditha	1,098	27,720	137	Fully	Yes	Yes
Al-Rutba	2,646	26,772	152	Partial	Yes	Some*
Heet	1,398	180,222	2,715	Fully*	Yes*	Yes*

Source: REACH, IOM, National Protection Cluster.

Babil Governorate: Reported Challenges



II. Babil Governorate

In 2014, ISIS seized control of the town of Jurf al Sakhr in the governorate of Babil. That same year, the terrorist organization was driven out of the area by the PMF who were accused of destroying the homes of Sunni families, driving them out of the region, and preventing their returns.¹⁵¹ Some 46,116 people were displaced from homes in the governorate of Babil during the years of conflict. Only 1,860 have returned as of April 2023 – all to the district of Al-Musayab.¹⁵² Approximately a third remain in locations throughout Babil, while about 20% and 19% are displaced in the governorates of Anbar and Baghdad respectively. A further 20% are displaced in Sulayminiyah in the KRI.¹⁵³ There are approximately 16,200 IDPs living in the governorate.¹⁵⁴ Almost 96% of these IDPs come from areas in Babil, while about 3% originate from Nineveh.¹⁵⁵

A challenge for IDPs in Babil and for people displaced from Babil to other governorates – especially given their low rate of return – is the requirement to access missing documents in their areas of origin. Though local Ministry of Interior officials in Babil told our interviewers that IDPs can obtain their Civil Status IDs or Unified National ID Cards in the areas where they currently reside, researchers were unable to identify a single IDP household displaced in Babil – from another area within Babil or from a different governorate – that did not either undertake the lengthy and arduous process of transferring their personal civil records to their district of displacement or else permanently return to their area of origin. Community leaders and camp officials told our interviewers that the inability to process document applications outside

of their areas of origin is as a key barrier they observe IDPs facing on a regular basis.¹⁵⁶

IDPs in Babil Governorate Cannot Access Documents at local CADs

- “Fatima,” from Tel Afar in Nineveh, was pregnant when her husband was killed by ISIS insurgents, and she was forced to flee to Hilla in Babil. She gave birth in a hospital there. She had her Civil Status ID Card but not her husband’s. She did not have a death certificate for him either. Normally, the Civil Status IDs of both parents are necessary to register the birth of a child. Fatima sought support from a local *mukhtar* to help facilitate her child’s registration. She found two witnesses from her area of origin who testified that her husband had been killed before she managed to escape Nineveh. The *mukhtar* certified these statements, which enabled her to obtain a birth statement for her child. She then tried to get the baby’s Civil Status ID Card at the Civil Affairs Directorate in Hilla, but officials there would not process her application, despite her having the support of the local *mukhtar*. After four years, Fatima returned to her area of origin in Tel Afar, where she managed to locate her civil records and eventually managed to obtain a Civil Status ID for her child..

IDPs displaced from Babil to other governorates must transfer their civil records from their area of origin to their area of current residence to obtain missing documents, including the Unified National ID Card.¹⁵⁷ In a Focus Group Discussion held at the Amariyat Al-Fallujah IDP camp in June 2022, IDPs from Jurf Al-Sakhar currently residing in Anbar told our researchers they were reluctant to transfer their records for fear that doing so could cement their inability to return home one day. Many believed that transferring their records would force

them to give up their personal property in Jurf Al-Sakhar, where an armed militia maintains control.¹⁵⁸ As a result, many of these IDPs missing documentation remain unable to access essential services and public assistance because they cannot prove their identities.¹⁵⁹

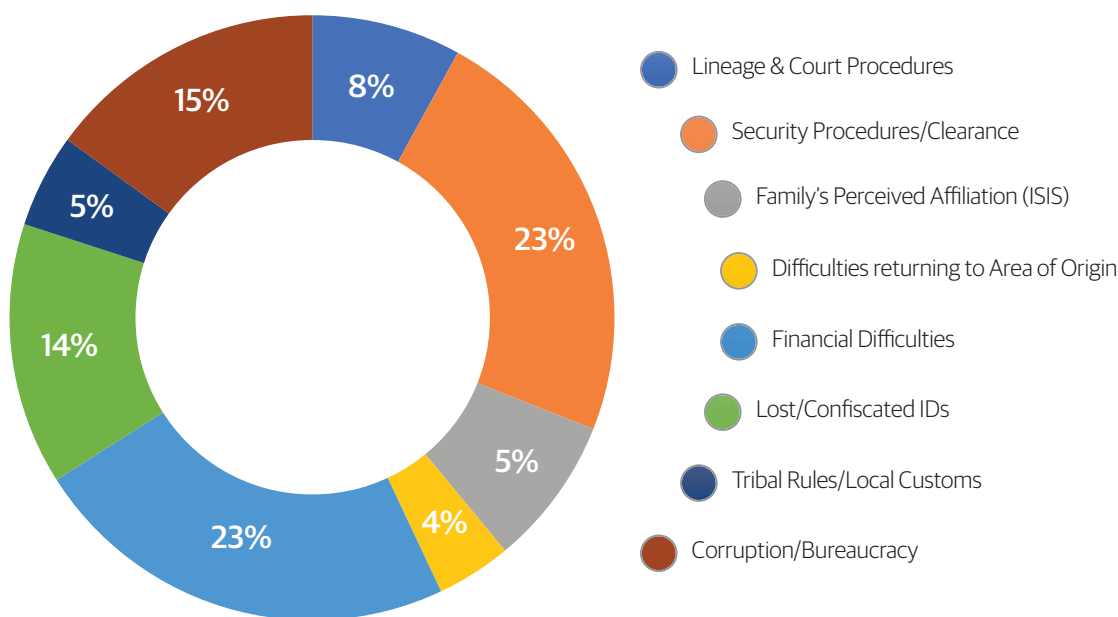
One positive development in the governorate has been the implementation of a rapid electronic system for security checks. This system enables faster security clearances for IDPs and facilitates their movement within the governorate.¹⁶⁰

Table: Capacity of Babil Civil Affairs Directorates and Courts August 2023

District	# of Internally Displaced Persons	# of Returnees	# of surveyed households missing personal documentation (REACH)	Operational Civil Affairs Directorates (CADs) in Sub-Districts	Operational Courts	Unified Identity Documents
Al-Musayab	44,100	N/A	0	Partial	Fully	Some
Al-Hilla	636	N/A	22	Fully	Fully	Yes
Al-Hashimiya	54	N/A	–	N/A (Now Unified ID Card Directorate)	Fully	Yes
Al-Mahaweel	204	N/A	–	N/A (Now Unified ID Card Directorate)	Fully	Yes

Source: REACH, IOM, National Protection Cluster.

Baghdad Governorate: Reported Challenges



III. Baghdad Governorate

Although ISIS militants did not manage to capture Baghdad, in June 2014 they advanced to towns within an hour's drive of the capital before being repelled.¹⁶¹ Members of the ISIS also carried out many deadly suicide bombings in Baghdad over the course of the conflict.¹⁶² During the war, 139,972 people were displaced from homes in Baghdad.¹⁶³ As of April 2023, approximately 94,038 (67%) of them have returned, while 45,934 people remain IDPs – two thirds of them displaced in the governorate of

Sulaymaniyah. Baghdad also continues to host 26,412 IDPs, the majority hailing from Anbar (40%) and Babil (33%).¹⁶⁴

The two barriers to obtaining missing documentation that respondents in Baghdad reported most frequently to our interviewers were security clearance requirements (23%) and prohibitive costs (23%). In the capital governorate, the Baghdad Operations Command is ultimately responsible for coordinating security clearance for

IDPs.¹⁶⁵ However, there have been cases in which IDPs have received security clearance from the Baghdad Operations Command, but not the security actors that are dominant in their areas of origin. This has prevented their return home and access to documentation.¹⁶⁶

Indeed, the requirement for IDPs to process applications in their areas of origin remains a major obstacle to obtaining missing documents. In our interviews, judges in Baghdad insisted that IDPs are not discriminated against when making requests for

documentation, including filing suits in courts. Theoretically, IDPs can undertake court proceedings in any Baghdad district. However, applications for Residency Cards and documents issued by Civil Affairs Directorates are more geographically restricted. Many IDPs informed our interviewees that they had to return to their areas of origin to access missing documents. A lawyer in Rusafa told our researchers that allowing IDPs to apply in the areas where they are currently residing is one of the most significant measures that can be taken to improve their access to missing documentation.¹⁶⁷

Table: Capacity of Baghdad Civil Affairs Directorates and Courts

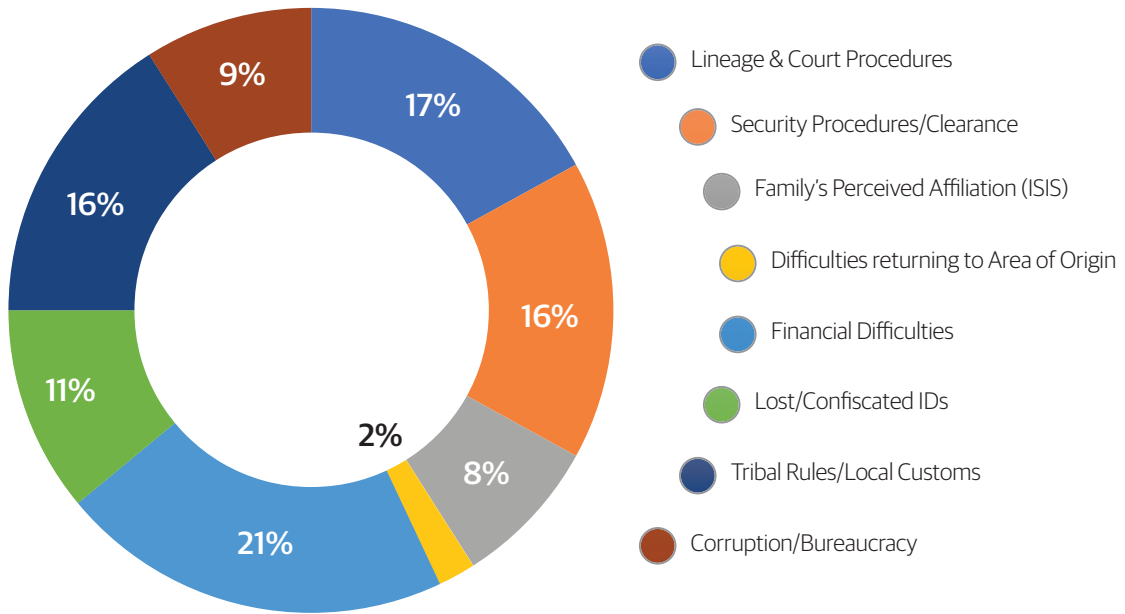
District	# of Internally Displaced Persons	# of Returnees	# of surveyed households missing personal documentation (REACH)	Operational Civil Affairs Directorates (CADs) in Sub-Districts	Operational Courts	Unified Identity Documents
Mahmoudiya	8,028	50,844	0	Fully	Yes*	Yes*
Abu Graib	5,250	23,868	–	Fully	Yes*	Yes*
Karkh	4,650	0	272	Partially	Yes*	Yes*
Tarmia	2,346	11,562	–	Fully*	Yes*	Yes*
Al-Rasafa	2,268	0	18	Partially	Yes*	Yes*
Adhamia	2,058	0	5	Partially	Yes*	Yes*
Kadhimia	1,020	7,764	0	Partially	Yes*	Yes*
Mada'in	750	0	–	Fully*	Yes*	Yes*
Thawra2	144	N/A	–	Fully*	Yes*	Yes*
Thawra1	6	N/A	–	Fully*	Yes*	Yes*

Source: IOM.¹⁶⁸



Iraq Museum, Baghdad

Diyala Governorate: Reported Challenges



IV. Diyala Governorate

In 2014, ISIS seized control of Diyala and occupied it for approximately six months. Due to the governorate’s strategic importance, sharing as it does a border with Baghdad and Iran, its recapture was a top priority for the Iraqi government and the Iranian-backed PMF. By January 2015, a counteroffensive by ISIS allowed them to regain control of key strategic areas within Diyala. The governorate suffered widespread damage to infrastructure and disruption to services because of the conflict. Thousands of Sunni civilians were displaced by the Shia militia forces and hundreds more were killed. After their defeat in 2017, ISIS fighters retreated to rural areas of Diyala, from which

they continued to plan and launch attacks, executions, and abductions.¹⁶⁹

Altogether, approximately 313,215 people were displaced from Diyala by the years of conflict. Some 202,846 (77%) of them have returned to their areas of origin as of April 2023, while 72,369 remain displaced.¹⁷⁰ Slightly more than half these IDPs (54%) are displaced in locations within the governorate. Another 33% are living in Sulaymaniyah. Diyala also hosts 44,455 IDPs – the vast majority (89%) originating from other locations in the governorate itself, and another 6% coming from Salah al Din.¹⁷¹

Our fieldwork shows that efforts have been made in Diyala to improve access to missing documentation. One member of the Council of Representatives succeeded in having 500 civil records transferred to the current locations of IDPs in the governorate, thereby alleviating the need for them to return to their areas of origin to obtain missing documents.¹⁷² Politicians have also pushed civilian authorities and security forces to ease access to documentation. Local officials told our interviewers that the Ministry of Interior had instructed workers in Civil Affairs Directorates to issue civil documents to all applicants, regardless of the possible ISIS affiliation of their relatives. However, our research suggest that this directive has not been widely implemented.¹⁷³

ISIS Affiliation Remains a Barrier for IDPs in Diyala

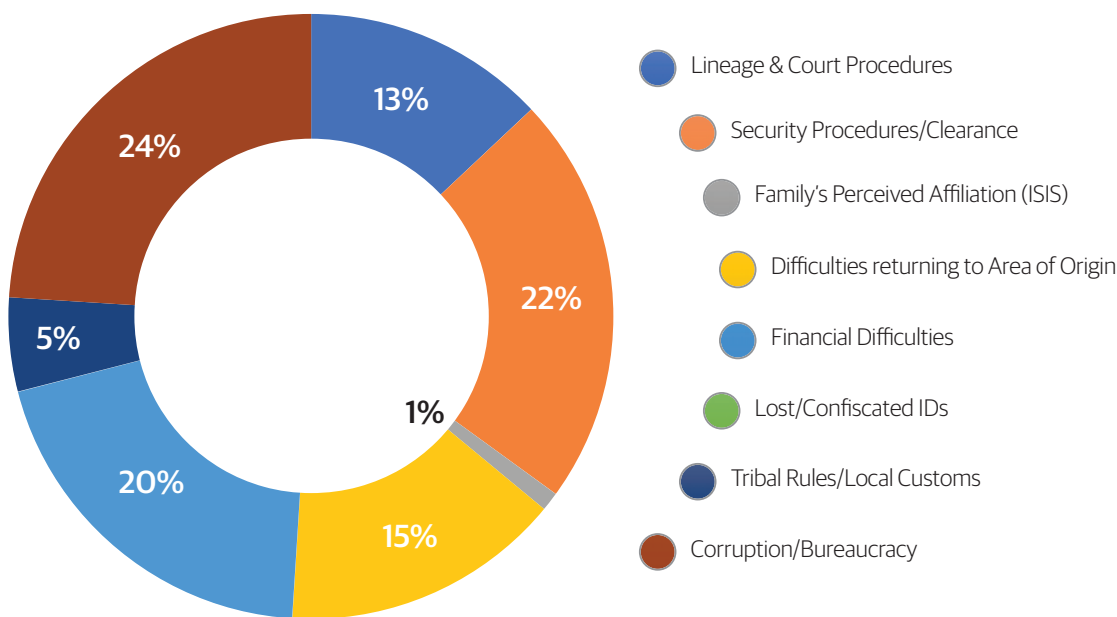
- “Ameera,” a mother of three children from a village in the district of Muqdadiya in Diyala, fled her home when ISIS militants attacked a neighboring village. Shortly after Ameera left, her village was raided by militia forces. Her home was burned, along with many others, and her husband was killed. She lost all her documents and her children’s Civil Status IDs and does not have security clearance because of her perceived ISIS affiliation. She notified the Baquba Investigations Court about the missing documents and tried to replace them at the Civil Affairs Directorate in Muqdadiya. Officials at that office would not proceed without her husband’s death certificate, which Ameera does not have. She went to a Personal Status Court in Baquba to obtain a “proof of death.” When court officials learned from intelligence and security forces, border police, and forensic medical experts that Ameera’s husband had been affiliated with ISIS and died in a military operation, they refused to proceed with issuing a “proof of death.”

Table: Capacity of Diyala Civil Affairs Directorates and Courts August 2023

District	# of Internally Displaced Persons	# of Returnees	# of surveyed households missing personal documentation (REACH)	Operational Civil Affairs Directorates (CADs) in Sub-Districts	Operational Courts	Unified Identity Documents
Baquba	19,100	0	671	Partial	Partial	Yes*
Khalis	4,206	74,352	1,832	Partial	Partial	Yes*
Al-Muqdadia	198	59,820	1,860	Partial	Partial	Yes*
Baladrooz	450	0	–	Partial	Partial	Yes*
Khanaqin	13,051	105,174	–	Partial	Partial	Yes*
Kifri	6,480	1500	23	Partial	Yes*	Yes*

Source: REACH, IOM, National Protection Cluster.¹⁷⁴

Kirkuk Governorate: Reported Challenges



V. Kirkuk Governorate

The oil-rich governorate of Kirkuk has historically been an ethnically diverse region where Turkmen, Arabs, Kurds, and Christian sects have long comeled and shaped the culture. Although subjected to a campaign of “Arabization” under the Ba’ath regime, thousands of forcibly displaced Kurds and Turkmen returned to reclaim their properties after the fall of Saddam Hussein.¹⁷⁵ The Constitution designates Kirkuk, along with other ethnically mixed areas, as a “disputed territory,” claimed by both the federal government and the Kurdistan Region of Iraq.¹⁷⁶

The conflict with ISIS destabilized Kirkuk and inflamed ethnic and political tensions. By June 2014, ISIS militants had seized control of large areas in the north and center of the governorate and were

pushing south. With federal troops withdrawing, the Kurdish Peshmerga were deployed to halt the ISIS advance. From 2015 to 2017, Peshmerga forces, along with local Shia Turkmen fighters, the PMF and coalition air support, retook large swaths of Kirkuk. In September 2017, over the objections of the Iraqi government and some groups in Kirkuk, the region was included in a Kurdish referendum on independence. In response, the Iraqi government subsequently ordered Peshmerga forces to withdraw. In October 2017, Iraqi Security Forces recaptured the remaining areas under ISIS control in Hawija and southern Daquq. Then they marched toward Kirkuk City, causing the flight of the governor and other Kurdish politicians.¹⁷⁷ The governorate has since remained under the control of federal Iraq, although in March 2023 the Kurdistan Democratic Party declared its intention to return to Kirkuk¹⁷⁸

and elections to the Provincial Council are scheduled to take place in December 2023 for the first time in 18 years.¹⁷⁹

Thousands of families were displaced during the years of military operations against ISIS in Kirkuk. Thousands of Kurds were also displaced from Kirkuk City in 2017 when the Kurdish Peshmerga withdrew and Iraqi Security Forces took over.¹⁸⁰ In total, 265,710 people were displaced from their homes in the governorate. As of April 2023, 190,920 (72%) have returned and 74,790 remain displaced.¹⁸¹ The majority of these IDPs (74%) are displaced in locations within Kirkuk, with a further 13% living in the governorate of Kerbala and another 6% residing in Sulaymaniyah. The governorate of Kirkuk remains host to 92,718 IDPs. Slightly more than half of these (59%) come from areas within Kirkuk, while 22% originate from Salah al Din and 9% come from Nineveh.¹⁸²

Respondents in Kirkuk reported several barriers to accessing missing documents, including corruption and bureaucratic inefficiency (24%), security clearance requirements (22%), and difficulties with returning to their areas of origin (15%). Some local officials asserted to our interviewers that in 2022 the

Governor of Kirkuk issued a directive to let IDPs from all conflict affected areas in Kirkuk governorate access documents and process claims in the central Civil Affairs Directorate in Kirkuk district. However, other respondents contend that this directive has not been consistently implemented.¹⁸³ Our fieldwork shows that many IDPs in Kirkuk are unable to obtain missing documents in their areas of displacement. The Head of the Unified National ID Department in Kirkuk told our interviewers that even applicants who come from the governorate of Kirkuk can no longer obtain documents in Kirkuk district but must return to their districts of origin – Hawija, for instance.¹⁸⁴

Moreover, IDPs in Kirkuk might not even be able to use courts outside their areas of origin. One NGO staff member noted that “when the judge sees that a person’s Residency Card belongs to another district or sub-district, he tells the person to go to the court in that area. Administrative problems are a big challenge.” In Dibis, for example, applicants must have a Residency Card from Dibis to make “proof of lineage” claims in the court there. IDPs from other districts need to return to their home areas to obtain “proof of lineage.”¹⁸⁵

Table: Capacity of Kirkuk Civil Affairs Directorates and Courts

District	# of Internally Displaced Persons	# of Returnees	# of surveyed households missing personal documentation (REACH)	Operational Civil Affairs Directorates (CADs) in Sub-Districts	Operational Courts	Unified Identity Documents
Kirkuk	83,676	6,858	2,871	Fully	Fully	Yes
Daquq	6,450	8,706	193	Fully	Fully	Yes
Hawija	1,440	173,856	4,856	Fully	Fully	Some*
Dibis	1440	7,236	108	Fully	Fully	Yes

Source: REACH, IOM, National Protection Cluster.¹⁸⁶



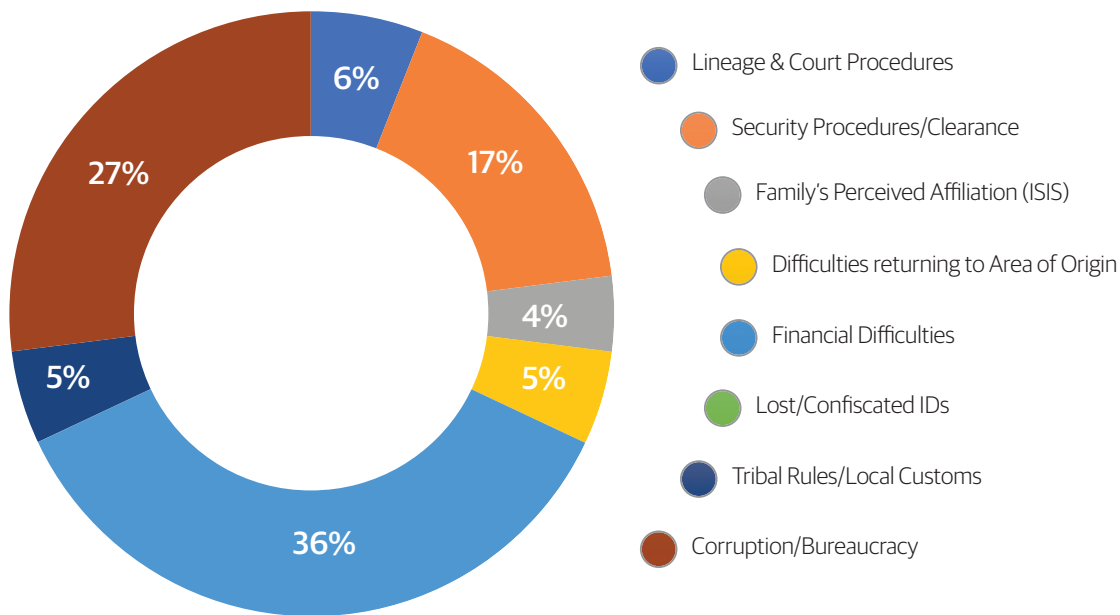
The Kirkuk Citadel, Kirkuk Governorate

VI. Kurdistan Region of Iraq

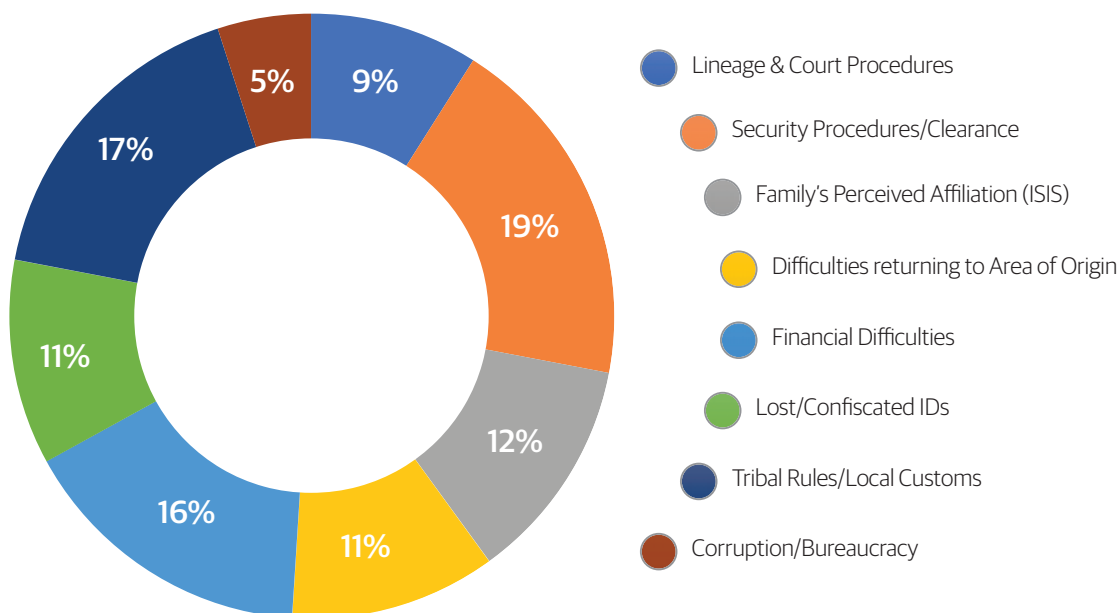
The semi-autonomous Kurdistan Region of Iraq (KRI) is comprised of three governorates: Erbil, Sulaymaniyah, and Dohuk. The military force of the KRI, the Peshmerga, was instrumental in the war against ISIS. Due to the withdrawal of Iraqi national troops in June 2014 in the face of the militants' onslaught, the Peshmerga took control of

most of the territories historically disputed between federal Iraq and the KRI, including Kirkuk and Sinjar, during their battles with ISIS. However, following the KRI's controversial independence referendum in September 2017, Iraqi national forces retook most of these disputed areas and the KRI lost 20% of its territory and the revenue of the Kirkuk oil fields.¹⁸⁷

Dohuk Governorate: Reported Challenges



Erbil Governorate: Reported Challenges



Many Iraqis displaced by the conflict with ISIS fled to locations in the KRI. As of April 2023, Erbil still hosts 230,843 IDPs, 48% of them coming from Nineveh and another 30% from Anbar. Dohuk is currently home to another 247,926 IDPs, 99.7% of whom come from neighboring Nineveh. Sulaymaniyah also hosts 134,342 IDPs, with 24% of them originating from Salah al Din, 23% from Baghdad, 18% from Diyala, and 15% from Anbar. Together, the governorates of the KRI host more than half (53%) of remaining IDPs in Iraq.¹⁸⁸

The situation of IDPs missing documentation in the KRI is unique because these people originate in areas under the purview of the federal government. Therefore, the KRI authorities are not responsible for issuing them any major civil documents. However, KRI authorities do issue supporting documentation, such as proof of birth or attestations to marriage contracts. While Ministry of Interior mobile teams have issued many documents to IDPs living in the KRI, their visits are limited, and they cannot reach everyone in need. Moreover, the KRI authorities have not adopted any of the unofficial measures used

in other governorates to help alleviate barriers to accessing documents.¹⁸⁹

As of April 2023, the numbers of IDPs in the KRI who reported difficulties accessing CADs or obtaining documentation vary considerably by district and even sub-district. For example, the Iraq Displacement Tracking Matrix reports that in some locations, such as Zanko village in Erbil¹⁹⁰ and Saib City in Sulaymaniyah,¹⁹¹ 11-25% of IDP families surveyed said they were having trouble accessing legal services or obtaining documents. In other areas, such as Ganjan city in Erbil,¹⁹² no IDP families reported these difficulties. However, in some locations, IDP families reported challenges accessing CADs, courts, and documents in much higher shares – 26-40% in the Debaga IDP camp in Erbil¹⁹³ and 41-60% in the Ashti IDP camp in Sulaymaniyah, for instance.¹⁹⁴

The KRI also exercises *de facto* control over Khazer and Hassan Sham camps, the “East Mosul Camps” in the disputed Hamdaniya district of eastern Nineveh. Most residents of Hassan Sham camp are the wives and children of ISIS fighters. The stigma of their ISIS association is so strong that many cannot return home because their communities and families reject them. Some of the women cannot leave the camp because they are charged with supporting a designated terrorist organization, among other crimes, and have warrants out for their arrest. Two sections of the camp house former child soldiers who have served sentences in juvenile detention and could face further charges if they leave. In 2022, one camp official estimated that 40% of the camp residents have no identification documents.¹⁹⁵

Our researchers conducted a Focus Group Discussion with IDPs in Hassan Sham Camp. They reported many obstacles to obtaining documentation, including restrictions on their movement, inability to access Civil Affairs Directorates, high costs, burdensome evidentiary



The Citadel, Erbil

Table: Capacity of Dohuk Civil Affairs Directorates and Courts August 2023

District	# of Internally Displaced Persons	# of Returnees	# of surveyed households missing personal documentation (REACH)	Operational Civil Affairs Directorates (CADs) in Sub-Districts	Operational Courts	Unified Identity Documents
Sumel	138,559	155,790	6,551	Fully	Fully	Yes*
Zakho	79,011	17,568	4,450	Fully	Fully	Yes*
Dohuk	25,686	171,408	966	Fully	Fully	Yes*
Amedi	4,861	7,236	151	Fully	Fully	Yes*
Aqra	28,403	N/A	816	Fully*	Fully*	Yes*

Source: REACH, IOM, National Protection Cluster.¹⁹⁹

requirements, and denial of security clearances.¹⁹⁶ According to a member of a local NGO, 484 applications for documents were rejected due to lack of security clearance during one mobile mission deployed to the camp by the Ministry of Interior in September 2021.¹⁹⁷ Security clearances are mainly denied due to the perceived ISIS affiliation of the applicants’ family members. However, lawyers working in the camps claim that lack of coordination between the judicial actors,

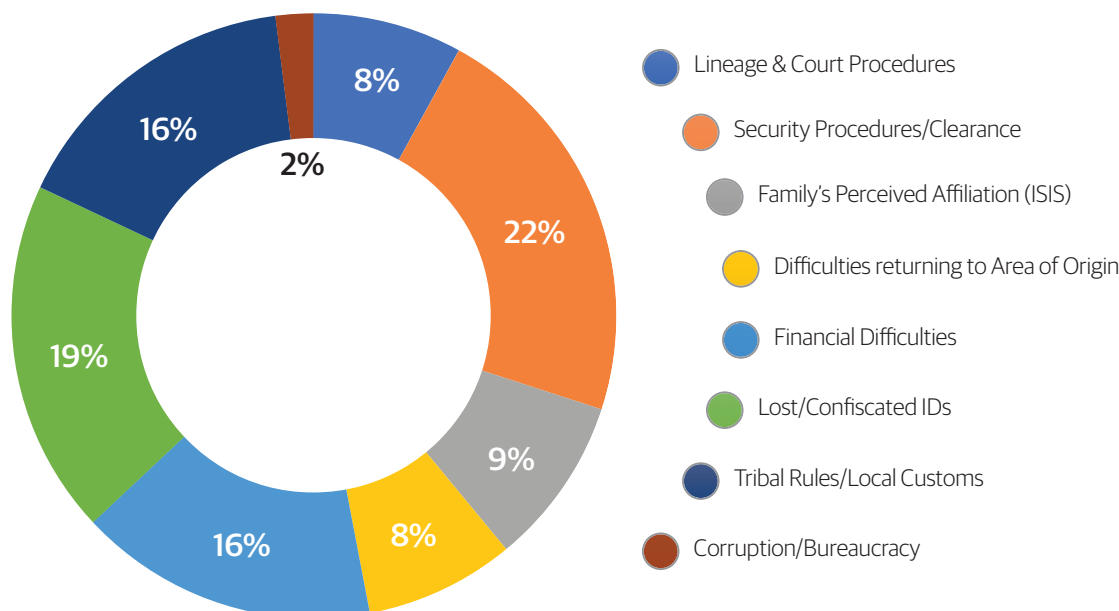
security actors, and local authorities contributes to keeping many IDPs, mostly women and children, in limbo.¹⁹⁸ Women whose husbands are in prison must wait until they are convicted and sentenced before their “proof of imprisonment” is accepted by local courts or CADs as a “clearance” for the purpose of obtaining civil documentation. In addition, there are often active arrest warrants for individuals who are long deceased, preventing their relatives from being “cleared.”

Table: Capacity of Courts and Civil Affairs Directorates in Erbil

District	# of Internally Displaced Persons	# of Returnees	# of surveyed households missing personal documentation (REACH)	Operational Civil Affairs Directorates (CADs) in Sub-Districts	Operational Courts	Unified Identity Documents
Erbil	215,215	N/A	12,351	Fully	Fully	Yes
Makmour	6,850	61,692	847	Fully	Fully	Yes
Shaqlawā	4,914	N/A	193	Fully	Fully	Yes
Koisanjaq	2,484	N/A	120	Fully	Fully	Yes
Soran	1,770	N/A	–	Fully	Fully	Yes
Mergasur	186	N/A	–	Fully	Fully	Yes

Source: REACH, IOM, National Protection Cluster.²⁰⁰

Ninewa Governorate: Reported Challenges



VII. Ninewa Governorate

Nineveh is one of the governorates most devastated by the war with ISIS. In 2014, ISIS militants swept across northern Iraq, seizing control of vast swaths of territory, including Nineveh’s capital, Mosul. More than one million people fled their homes. Among them were 800,000 members of minority Turkmen, Yazidi, Christian, and Shabak

communities. For the next three years, ISIS occupied Mosul, plundered surrounding areas, and subjected the people of Nineveh to untold brutalities – including murder, enslavement, rape, and displacement. The campaign in 2017 by Iraqi and coalition forces to retake control of Nineveh and liberate Mosul caused massive infrastructural damage and triggered more displacements.²⁰¹ In total over the years of conflict, 2,595,861 people



The Old Bridge, Mosul Nineveh Governorate

were displaced from their homes in Nineveh. This is by far the largest number of IDPs originating from a single governorate, accounting for 43% of all Iraqis displaced by the war. As of April 2023, 75% of IDPs from Nineveh have returned to their areas of origin. A further 648,783 remain displaced.²⁰² Of these, 55% are in locations controlled by the KRG, while 37% are living in other areas of Nineveh.²⁰³

Not surprisingly, given the scale of the humanitarian crisis there, households in some districts of Nineveh are still missing documentation in some of the highest proportions in Iraq. For instance, the most recent MCNA found that in Al-Baaj district, which ISIS occupied for three years, 43% of IDP households, 50% of returnee households, and 53% of non-displaced households are still missing at least one key document. The majority of these households (76%) cited prohibitive costs as the main barrier to obtaining missing documents, while another 45% blamed the complexity and length of the legal processes and 25% reported being unable to access CADs or courts.²⁰⁴

In Sinjar, ISIS launched a genocidal campaign against the Yazidi community in 2014. By late 2015, a coalition of the PMF and Kurdish forces, supported by Coalition air power, finally repulsed ISIS from the district. The KRG then controlled the area until 2017, when Iraqi forces retook the disputed northern territories. The years of conflict and competing armed groups have left 70% of the district's population displaced.²⁰⁵ The latest MCNA found that

38% of IDP households, 31% of returnee households, and 17% of non-displaced households in Sinjar were missing at least one key document. Of these, 40% reported that the costs of obtaining documentation were too high, while 44% had not even attempted to have their documents issued or renewed.²⁰⁶

In October 2020, Baghdad and Erbil signed an agreement called the Sinjar Agreement which is intended to build stability in Sinjar district through a new administration and security structure that would let displaced people return. However, to date this agreement is only partly fulfilled.²⁰⁷

Iraqis missing documentation in the territories disputed between federal Iraq and the KRI face specific barriers to obtaining missing documents. The shifting territorial control of these regions results in families being displaced and then prevented from returning to their areas of origin by ethnic and political tensions and fear of persecution. For instance, some Arab households who had lived in the districts of Sheikhan in Nineveh and Sumel in Dohuk for thirty years as part of a campaign of “Arabization” by the Ba’ath regime were pushed back to Tel Keif district in Nineveh when the KRG took control of Sheikhan and Sumel in 2003. Their civil records remain in CADs in Sheikhan and Sumel where they are inaccessible to the families. The federal government has blocked the transfer of the records, so these households cannot obtain any civil documentation in Nineveh.²⁰⁸

Various and contradictory decisions have been made by officials regarding IDPs and missing documentation in Nineveh governorate. In July 2019, the National Security Council passed “Resolution 16.” Although this resolution was not public, some officials described its contents to humanitarian aid organizations. The resolution ordered all IDPs from governorates other than Nineveh (at least 38,040 people at that point) to leave camps in Nineveh. It commanded security forces to develop a database of residents in the Nineveh camps and isolate all households with perceived ISIS affiliation. It also mandated increased security to prevent people entering or departing the camps without permission and deployed more police to restrict IDP movement and “assess and audit” NGO workers in the camps.²⁰⁹

In August 2019, the expulsions from the Nineveh camps of IDPs from Anbar (a governorate occupied by ISIS for years) began. The Nineveh Operations Command transported 36 families, mostly female-headed, against their will and without their possessions to their areas of origin in Anbar. Upon arrival, one family fled to another IDP camp in Anbar after receiving death threats from members of their community because of their alleged ISIS affiliation. Sixteen families in Haditha were forced to

Difficulties Accessing Documents in Disputed Territories

- “Abu Ahmed” is an Iraqi Arab who left the district of Sheikhan in 2007, after the KRG took control of the disputed region following decades of “Arabization.” He currently lives in Mosul with his wife and son. Abu Ahmed and his wife both have Civil Status IDs registered in Sheikhan, where they cannot access or renew them. Their son was born in 2013 and still does not have a Civil Status ID. He can attend school, but his birth statement remains his only identity document.

live in a public school surrounded by police out of fear for their safety. In the following weeks, Nineveh security forces expelled hundreds more IDPs to Anbar, Kirkuk, and Salah al-Din.²¹⁰

On September 16, 2019, the Nineveh Federal Court of Appeals issued a decision against an instruction from the Court of Investigation for Terrorism, dated 11 days earlier, to prevent the relatives of alleged ISIS affiliates or extremists from being issued civil documents. The decision of the Nineveh Federal Court of Appeals held that there was no requirement in Iraqi law for family members of perceived ISIS members to perform *tabriya* in order to obtain civil documentation. The Court of Appeals instructed CADs to issue documents to these applicants without discrimination. However, lawyers and NGO workers have observed that intelligence and security forces do not feel bound by the court's decision and that CAD offices continue to insist on *tabriya* and security clearances before they will issue documents.²¹¹

During fieldwork for a joint report by UNICEF and the UNDP in 2020, researchers found that judges in Mosul would not issue certificates proving a child's paternity without the approval of the Public Prosecutor's Office (PPO). This practice has no basis in Iraqi law and stemmed from a misinterpretation of a law ordering the PPO "to protect family and child." While the PPO can intervene, at the request of the courts or citizens, to oblige the executive authority to issue documentation to children in cases when they are being denied, the PPO does not need to sign off on proofs of paternity. Judges in other areas were not imposing this requirement, which amounts to a further layer of complication and delay in the birth registration process.²¹²

Officials Ignore the Decision of the Ninewa Federal Court of Appeals in Cases of "ISIS Wives"

- "Um Omar" from Tel Afar is displaced in Mosul. She cannot go back to Tel Afar because her deceased husband is accused of being a member of ISIS. Um Omar has her Civil Status ID, but it is now expired. She does not have her husband's original Civil Status ID, but she has a copy of it. She has a birth statement for her son, who was born before the ISIS occupation, but she cannot get a Unified National ID or a Civil Status ID for him. She has been blocked from returning to her home and has been unable to obtain a security clearance. She has not undertaken *tabriya* because she has not been able to afford the costs of a lawyer to do this at the local court. Additionally, while *tabriya* and divorce can be completed in any court, she was told that she must still return to Tel Afar to obtain her Civil Status ID or the Unified National ID Card.

On a more positive note, significant efforts have been undertaken to improve access to government institutions issuing documentation in Nineveh. These efforts include targeted legal assistance from Iraqi and international organizations; the establishment of new Unified National ID centers; and the reconstruction of CADs damaged or destroyed in the conflict in Rabia, Zummar, Mosul, Ayadiyah, Haman Al-Alil, Qayarah, Tal Abta, Shimal/Sinuni, Qahtaniya, and surrounding areas.²¹³ These efforts have been largely successful. A May 2022 survey of CADs found that in the districts of Nineveh, only 6% of offices were closed or partially open compared with 56% of them in other governorates.²¹⁴

Table: Capacity of Nineveh Civil Affairs Directorates and Courts 2023

District	# of Internally Displaced Persons	# of Returnees	# of surveyed households missing personal documentation (REACH)	Operational Civil Affairs Directorates (CADs) in Sub-Districts	Operational Courts	Unified Identity Documents
Mosul	93,444	1,075,098	67,664	Fully	Fully	Yes
Sinjar	36,576	123,522	12,767	Fully	Fully	No
Baaj	7,530	54,072	4,312	Fully	Fully	No
Tel Afar	9,330	364,764	15,484	Fully	Fully	Yes
Hamdaniya	15,593	174,120	3,051	Fully	Fully	Not in all sub-districts
Tel Kaif	8,232	103,326	5,329	Fully	Fully	No
Sheikhan	42,778	2,142	1,664	Fully	Fully	No
Hatra	4,212	47,688	600	Partially	Fully	Yes

Source: REACH, IOM, National Protection Cluster: Iraqi Displacement Tracking Matrix, June 2023 (Last reviewed August 17, 2023).²¹⁵

7. Comparative Practice

When considering solutions to the ongoing crisis of Iraqis missing civil documentation, it is useful to consider steps that other countries have taken to address similar problems. The following section offers a non-exhaustive review of some of the most relevant laws and policy decisions in other countries:

I. Easing Evidentiary Requirements

- **Jordan** eased access to birth registration for Syrian refugees by reducing evidentiary requirements. Parents were able to tender photocopies of documents if they no longer possessed the originals. This was a significant change. Hitherto under Jordan's Personal Status Law, only original identity documents or notarized copies had been accepted when registering a birth. A new procedure also allows Syrian parents to register their children's births with Ministry of Interior service cards or UNHCR certificates.²¹⁶
- In **Lebanon**, the Norwegian Refugee Council was successful in their efforts to obtain an amnesty for Syrian children born in Lebanon during a set date range---children born during the agreed amnesty period were able to register with reduced evidentiary requirements.²¹⁷ In March 2018, the government of Lebanon announced that it was retroactively waiving the one-year deadline to register Syrian children born in Lebanon between January 2011 and February 2018.²¹⁸ The Lebanese government extended the waiver allowing late registration of Syrian children born in the country since 2011 to be effected administratively instead of through the courts.²¹⁹
- In 2017, **Jordanian shari'a courts** also instituted flexible evidentiary rules to facilitate registration of undocumented marriages. The new rules allowed a married couple to provide testimonies from anyone who knew them, instead of testimonies of official witnesses to their wedding. Jordanian authorities also introduced two amnesty periods for Syrian refugees during which they could register their marriages free of charge and without legal penalties.²²⁰
- In 2017, **India** expanded the list of documents that can be used for a passport application. Whereas previously the requirement had been a birth certificate, the Ministry of Foreign Affairs announced that applicants could now provide almost any document that could serve as proof of their identity.²²¹
- **Bosnia and Herzegovina** now recognize refugee cards as official ID documents for the purpose of birth registration.²²²
- **Serbia** implemented special provisions requiring registry offices to initiate the reconstruction of registry books without delay. Therefore, the burden of finding information rests first on the authorities, and only in cases that data cannot be obtained *ex officio* may the registry office require citizens to provide missing data.²²³

II. Making Civil Registration and Documentation More Accessible

- Following the **UN Guiding Principles on Civil Registration and Vital Statistics Systems**, many nations either assign jurisdiction to the registration office closest to the place where the life event took place (a common practice in **European countries**) or to registration offices located anywhere in the country (for example, in **Argentina**).²²⁴
- In **Jordan**, the government established dedicated civil registration offices and mobile services in the country's refugee camps.²²⁵ (Similar practices were also introduced on a smaller scale in Iraq, where mobile courts were deployed to the camps near Dohuk (Garmawa) for those people who had fled Mosul in 2017).²²⁶
- In **Nicaragua**, the Ministry of the Family, in coordination with the Cabinet for Family, Community and Life, runs a campaign whereby representatives make house-to-house visits to locate children under one year of age who are not registered, and then register them.²²⁷
- **Argentina's** program, RENAPER ("Registro Nacional de las Personas"), implemented

campaigns to reach vulnerable populations in remote areas by sending mobile units equipped with technology and internet connectivity to issue biometric identity documents within two hours. RENAPER has also opened pop-up offices in shopping centers, bus terminals, and airports to make IDs more accessible.²²⁸

- **Cambodia** launched a national mobile registration campaign in 2004, the same year some provisions of the sub-decree on Civil Registration were also amended to remove the requirement of a court judgement for late birth registration. More than 13,000 mobile team members, including civil registration officers, were trained. As a result of the campaign, more than 90% of the population acquired birth registration (some 11.7 million people had their births registered in 2006 alone).²²⁹

III. Reducing Gender Discrimination in Birth Registration and Citizenship

- **Egypt's** Nationality Law of 1975 originally stated that a child of an Egyptian woman born outside the country could not be an Egyptian citizen from birth unless born out of wedlock or to a stateless or unknown father. In 2004, however, an important reform amended the law so that children born to Egyptian mothers are Egyptian citizens regardless of their father's status or their place of birth.²³⁰
- In **Tunisia**, since 2010, women have enjoyed the same rights as men to pass Tunisian nationality to their children.²³¹ Similarly in Morocco, women enjoy equal rights with men to confer their citizenship to their children under the Nationality Law.²³²
- In **Senegal**, the 1961 Nationality Code contained complicated provisions distinguishing between children born in and out of wedlock and allowed women to pass their nationality only to children of an unknown or stateless father. In 2012, the Senegalese Ministry of Justice implemented the government's pledge to remove gender discrimination from nationality laws and in 2013, a new law established that any child born as a direct descendant of a Senegalese national is Senegalese.²³³
- In countries where mothers and children are stigmatized because of unrecognized paternity, such as **Peru** and **Chile**, measures have been taken to eliminate the term "bastard/illegitimate child" on birth certificates.²³⁴
- In **Mexico**, children were traditionally only given paternal surnames. Now they can officially be registered with maternal surnames.²³⁵

IV. Improving Public Knowledge About Civil Documentation Procedures

- Many nations, including all European and Latin American states and most of the countries in North Africa and the Middle East (such as **Jordan**, **Lebanon**, **Kuwait**, and **Iran**), have promulgated "access to public information" statutes.²³⁶
- **Jordan** runs an information campaign in which national and international NGOs educate individuals about their citizenship rights.²³⁷

V. Reducing Costs

- In post-conflict **Bosnia and Herzegovina**, authorities introduced changes to the Law of Registry Books, waiving birth registration fees for vulnerable individuals, as well as allowing parents without any documents to register the births of their children based on witness testimonies.²³⁸
- **Jordanian** authorities have expedited court procedures for children who were not registered in the first year of life without applying any fees. One important element of this new procedure was the agreement of the courts to accept service cards issued by the Ministry of Interior to all Syrians, or alternatively the certificates that UNHCR issues to persons of concern, as supporting documents confirming identity.²³⁹
- In **Argentina**, the government set up a temporary administrative regime to register births of children aged 1 to 12. Under this decree, all birth registrations that took place during the term of the decree were exempt from costs, thereby guaranteeing free access to IDs. In 2015, it was estimated that this decree made it possible for more than 500,000 children to access their rights to identity.²⁴⁰

VI. Reconstructing Civil Registration and Vital Statistics Data and Digitalizing the System

- In the aftermath of war, **Kosovo** established record centers in each municipality to provide the hard copy documents to reconstruct services.²⁴¹
- In **Serbia**, when registry books are destroyed or missing, the registry office is obligated to initiate their reconstruction without delay, using all available data collected either ex officio or from interested citizens. The decision to reconstruct registry data must be publicly announced. Registry offices form commissions to monitor the legality, accuracy, and speed of reconstruction.²⁴²

- In **Argentina**, digitalization was enabled via RENAPER, which established a Federal Network for Civil Registries to connect all governorate-level civil registries on one platform that enables them to share records. This network allows individuals to ask for copies of vital event certificates from any office in the country. RENAPER reached agreements with local institutions to facilitate integration by registering vital events and issuing ID cards at the same venue, linking the administration of the two processes. Therefore, when a child is born, one of the parents can go to the local civil registry office to register the birth and to obtain the birth certificate.²⁴³
- In 2016, **Namibia** introduced electronic birth and death registration systems. This endeavor was led by a technical working group chaired by the office of the Prime Minister, which allowed the e-birth registration system to be completed within two years. The overall aim of the system is to notify the National Population Registration System electronically when a birth has occurred at the hospital. In this way, time for processing necessary information between offices is reduced to a minimum.²⁴⁴

VII. Special Solutions for Marginalized Groups

- **Namibia** introduced a cash payment program for children who lost one or both parents to support thousands of children orphaned by the HIV epidemic. This was based on the country survey conducted in 2006 that revealed a strong correlation between wealth and birth registration and showed that many orphaned children from lower income communities were not eligible for registration because their parents were undocumented. The cash grant program was managed by the Ministry of Gender Equality and Child Welfare. A study conducted in 2010 confirmed that caregivers of orphaned children receiving grants were more likely to have identification documents compared to those who did not.²⁴⁵
- In **Serbia**, extensive advocacy resulted in laws and policies easing access to personal documentation for IDPs belonging to Roma, Askhhai, and Egyptian minorities. In 2019, amendments to the Law on Out-of-Court Proceedings allowed persons at risk of statelessness to be registered based on simplified procedures. This was supplemented by the introduction of the free legal aid system that facilitated access to documentation.²⁴⁶ The Ministry of Interior also issued instructions to registry offices to standardize procedures and to allow for the provision of documents without the need for IDPs to be physically present.²⁴⁷ As of 2022, registry offices in Serbia accept distance applications and applications by email, and are processing requests from people who are not registered in existing or reconstructed registry books.²⁴⁸
- In **Europe**, many countries make education available for all children regardless of their legal status or nationality. For example, in **Italy** the law specifies directly that the right to education includes receiving formal recognition of education, even if students do not have identity documents.²⁴⁹



8. Recommendations

The following 54 recommendations are guided by respect for the principles of human rights, including the obligation of the Iraqi government to recognize all persons before the law, to guarantee timely birth registration, safeguard the right to nationality and reinforce respect for internationally-recognized guiding principles concerning internal displacement.

Many of these recommendations reflect proposals and suggestions received from both federal and local officials, lawyers, judges, Iraqi civil society organizations, community leaders, international organizations, IDPs and returnees themselves. Given their vast diversity and complexity, they are not sequenced in any particular order.

IILHR is under no illusions about the entrenched societal, political, and cultural obstacles that must be surmounted. We highlight the deep-seated nature of these challenges – not only within the Government of Iraq, but also within Iraqi society and communities across the country. To begin to alleviate and mitigate the challenges discussed throughout this report IILHR makes the following recommendations:

I. To the Executive Branch:

To the Council of Ministers

1. Issue a national decree that allows all Iraqis from conflict-affected areas to submit applications for civil and legal identity documents from any district in the country, thus allowing for Iraqis to apply in their current area of residence, rather than having to return to their original areas of origin.
2. Waive administrative and other fees related to obtaining civil and legal identity documentation by vulnerable groups, including IDPs. Ensure that authorities adequately inform IDPs about their right to be exempted from administrative fees.
3. Commit desperately needed financial and administrative resources, including coordinating mobile legal assistance to assist in providing access to civil documentation processes for the most vulnerable communities.

4. Oversee the design and launch of public awareness campaigns to inform citizens about correct procedures and requirements for obtaining civil documents. Utilize various media channels, including social media, local radio, and community events, to disseminate accurate information and address common misconceptions.
5. Improve coordination and information sharing between different levels of government authorities involved in issuing civil identity documents.
6. Establish a national monitoring mechanisms to track the implementation of current rules and procedures at sub-district, district, and governorate levels. Conduct periodic audits or assessments to identify any discrepancies or inconsistencies and take corrective actions as necessary.
7. Publicly announce that the Iraqi government will no longer require ad hoc evidentiary requirements like *tabriya* for those seeking civil documentation.
8. Hold accountable tribal, community, and Governorate officials who currently advocate and impose *ad hoc*, arbitrary and discriminatory evidentiary requirements on Iraqis seeking civil documentation.

To the Ministry of Interior

9. In conjunction with the National Security Agency (NSA), issue a directive to cease arbitrary and discriminatory security screening procedures in all governorates for anyone who tries to obtain identity or civil documents. Ensure proper endorsement, circulation, and implementation of new, comprehensive security procedures by relevant national security and intelligence agencies so all Iraqi citizens are fully informed of security requirements.
10. Continue sending mobile teams to camps and informal settlements to issue civil documentation so that vulnerable individuals save money and alleviate some of their concerns over security check points.
11. Extend the deadline for late birth registration without penalty.

12. Standardize procedures between national and local offices under the Ministry of Interior's supervision and communicate these standards, to ensure consistency and efficiency in the issuance of civil identity documents.
13. Working with the High Judicial Council, resolve the dilemma around implementation of Article 20 (7) in the *National Card Law of 2016*. This article states that the Ministry of Interior should establish guidelines for the registration process of children with unknown parentage. This will ensure that their rights to legal identity and access to services are protected and upheld.

To the National Security Agency

14. Remove requirements for women to provide information concerning family members suspected of criminal activity as a necessary condition to obtain civil documents for themselves and their children; the process of tabriya is not required under Iraqi law and therefore should not be part of the security screening process.

To the Ministry of Migration and Displaced

15. Develop and implement policies that expand protections specifically for undocumented women and children affected by displacement.
16. As a key Iraqi government stakeholder, advocate within the Iraqi government to operationalize existing Iraqi treaty obligations under international human rights law, including the right to immediate birth registration, right to legal identity, right to nationality and the principle of the best interest of the child specifically as it relates to supporting IDPs accessing civil identity documentation.

To the Ministry of Labor and Social Affairs

17. Facilitate the application process for social safety net benefits for IDP families by enabling them to apply while their civil identity documents are being processed.
18. Increase services and access for disabled people and those with special needs who are missing civil identity documentation.

To the Ministry of Education

19. Implement a waiver system that allows children who are awaiting civil documents to stay enrolled in school beyond primary education, rather than restricting them to observer status due to the absence of mandated identification.
20. Prioritize education for undocumented children in areas affected by the conflict with ISIS and allow them to attend school and obtain

school certificates based on birth certificates or witness statements, as is now being implemented in Nineveh.

To the Ministry of Health

21. Unify and consolidate measures to validate patient identity at health facilities.
22. Ensure proper integration between Civil Registration and Vital Statistics (CRVS) and civil document systems, including building administrative linkages between ministries and creating an interoperable platform to exchange civil registration and identity data, while ensuring all data and privacy is protected.
23. Conduct awareness campaigns and provide training programs to educate stakeholders, including government officials and civil registration staff about the benefits and procedures of an integrated CRVS and ID systems.
24. Encourage coordination with other relevant ministries responsible for civil registration and identity document issuance to ensure procedures and policies are harmonized and understood.
25. Provide for direct messaging and education to all Iraqis on the processes for registration births and deaths, including at district, sub-district, local levels.

To the Ministry of Planning

26. Ensure that the Iraqi National Census will effectively gather data on all Iraqis lacking civil identity documentation, including IDPs, refugees, returnees, and non-displaced individuals. This will enable targeted interventions and policy reforms to address their specific needs and challenges.

II. To the Iraqi Judiciary:

27. Build better informal and formal communication between Regional and Federal judicial authorities regarding information pertaining to arrest, conviction, acquittal and/or release of individuals who have been arrested or faced trial and need to remove them from security lists that act as major barrier to individuals and their families when seeking civil documentation.
28. Implore the High Judicial Council to underscore, inform and publicize that requiring tabriya or ikhbar are not approved legal requirements for obtaining security clearances in order to obtain civil documentation. Despite continuing reiteration by the judicial authorities that such practice is not legal or required, they remain common practice in parts of Iraq.
29. Encourage widespread circulation of and awareness of judicial decisions and directives

regarding these practices as well as decisions on complex civil documentation cases involving proof of lineage and DNA testing.

30. Provide clear instructions and guidance to all judges across Iraq to adhere to Article 18 of the Iraqi Constitution, which provides for the right of any Iraqi citizen to obtain identification, whether through their Iraqi father or mother.
31. Ensure that that the Nationality Law of 2006, No.26 Article 3(b) which states a a child with “unknown paternal lineage” found in Iraq, shall, in the absence of proof to the contrary, be considered to have been born therein, is administered according to the law and is equally applied at all levels of governance and administration.
32. Give Personal Status judges the authority to accept alternative but temporary forms of civil documents, such as IDP camp IDs or voter registration IDs, while more permanent applications for identity documentations are pending.
33. Maintain programs that allow for Personal Status judges to conduct proceedings within IDP camps and informal sites where IDPs continue to shelter in order to enable IDPs to obtain legal identity documents.
34. Introduce expedited court procedures for children whose births have not been registered.
35. Establish a clear and transparent appeals process for those who have been denied security clearance.
36. Establish a system for applicants seeking civil identity documentation to report technical challenges and irregularities in the process, in conjunction with appropriate national security agency processes.
37. Take proactive measures to coordinate with the Ministry of Interior regarding the resolution of Article 20 (7) in the National Card Law No. 3 of 2016 and implement new Interior Ministry guidelines. This article states that the Ministry of Interior should establish guidelines for the registration process of children with unknown parentage.
38. Hold accountable tribal, community, and Governorate leaders who currently advocate and impose ad hoc, arbitrary and discriminatory evidentiary requirements on Iraqis seeking civil documentation.

III. To the Iraqi Council of Representatives and Parliament

39. Promulgate legislation to operationalize existing Iraqi treaty obligations under international human rights law, including the right to immediate birth registration, right to legal identity, right to nationality and the principle of

the best interest of the child specifically as it relates to supporting IDPs accessing civil documentation.

40. Amend provisions of the National Card Law No. 3 of 2016 that require registration of a child with the father’s name and propose workable alternatives pursuant to recommendations made by Iraqi civil society representatives, ministries, and other stakeholders.
41. Enact the draft Child Protection Law. Consideration should also be given to placing affirmative obligations on the government to issue documentation to all Iraqi children.
42. Promulgate Freedom of Information legislation to enable Iraqis to obtain information in cases where applications for civil identity documentation are denied by security ministries.
43. Pass and implement the draft Legal Aid Law. By addressing the need for low-cost or free legal aid services through the passage of a legal aid law and collaboration with relevant organizations, the government can sustainably ensure that individuals have access to the legal assistance often required for civil documentation matters. These efforts can contribute to a more inclusive and accessible documentation system in Iraq.
44. In its role as an oversight body, the Iraqi Parliament should ensure that all enacted legislation is being implemented properly according to the law. Specifically, Parliament should ensure that the National Card Law No. 3 of 2016, Article 20(7) and its provisions are properly implemented by the Ministry of Interior.
45. In its role as an oversight body, the Iraqi Parliament should ensure that Article 3(b) of the Iraq Nationality Law which states a child with “unknown paternal lineage” in Iraq, shall, in the absence of proof to the contrary, be considered to have been born therein, is administered according to the law. This would ensure nationality, access to civil documentation and inclusion into society for those Iraqis who qualify under this provision.

IV. To the International Community:

46. Urge the Council of Ministers to implement provisions allowing for waiver of administrative and other fees related to obtaining civil and legal identity documentation by vulnerable groups, including IDPs. Ensure that Iraqi authorities inform IDPs about their right to be exempted from administrative fees.
47. Secure commitments from potential donors and Iraqi authorities to digitize civil registration records and equip all Unified ID offices to provide biometric services.
48. Advocate for implementable solutions by engaging with key Iraqi stakeholders, international

organizations, and other relevant stakeholders, to highlight the serious human rights concerns stemming from the challenges in obtaining civil identity documents for Iraqi citizens.

49. Continue to collaborate with the Ministry of Interior and the High Judicial Council to expand mobile campaign to provide documentation and the adjudication of cases at locations where IDPs are located.
50. Continue to support and fund legal assistance programs to help families secure legal identity and civil documentation in areas affected by the conflict with ISIS. Ensure legal assistance programming includes elements of skill sharing and strengthening of relevant Iraqi institutions to ensure sustainability of current initiatives supported by the international community.
51. Provide technical assistance and diplomatic support for Parliament to pass legislation that incorporates Iraqi treaty obligations and international standards, including implementing a strong Legal Aid Law and Freedom of Information Law, in collaboration and consultation with the Iraq Bar Association.
52. Coordinate efforts of international and national NGOs working specifically on ensuring access to civil documentation; develop and advocate a unified message and strategy on best ways to resolve civil documentation problems.
53. Advocate with the government of Iraq for consistent communications between Baghdad and local officials about requirements that are not consistently applied at the local level as there is a large gap between policy and practice between the federal government of Iraq and local authorities.
54. Encourage cooperation between the Kurdistan Regional Judiciary and the Federal Judiciary in Erbil and Baghdad. Intensified cooperation – on an informal and formal basis – can lead to better information sharing and collaboration concerning arrest, conviction, acquittal and/or release of individuals who have been arrested or faced trial, among other benefits.



Progress Toward Resolving the Crisis of Missing Documentation

Since 2017, the Iraqi government, judiciary, and local authorities, together with humanitarian aid organizations, NGOs, and international organizations, have taken measures to ameliorate the continuing crisis of missing civil documentation in Iraq. Some of these have been very successful and others have not been implemented sufficiently to have their full effect.

One of the most impactful efforts has been the deployment of mobile teams to issue documents in IDP camps, thereby removing the necessity of applicants returning to their areas of origin to obtain their documentation. The Minister of Interior's office has been proactive in organizing and conducting mobile missions. The MOI sent mobile teams to camps in Dohuk, M Erbil, Anbar, Nineveh, Sulaymaniyah and Kirkuk. These mobile teams succeeded in issuing many documents, such as Civil Status ID Cards, Residency Cards and Nationality Certificates.²⁵⁰ The United Nations High Commissioner for Refugees (UNHCR), along with its legal assistance implementing partners, and in partnership with the MOI, has been providing for mobile mission teams going to IDP camps to issue documents. Through the mobile teams the government of Iraq was able to issue at least 8,630 Nationality Certificates and 3,206 Civil Status ID Cards, bringing the total number of documents issued so far through mobile missions in coordination with the Ministry of Interior to over 100,000 documents within Dohuk alone.²⁵¹

In August 2022, the National Security Council (NSC) held an extraordinary session in which they decided that security clearances for displaced persons would be limited to foreign nationals. Iraqi IDPs would no longer be subjected to these security checks. It was also announced that the National Security Adviser, in coordination with intelligence agencies, would

present a paper establishing the time frame in which the security checks for foreign nationals displaced in Iraq must be completed. However, our fieldwork shows that the decision of the NSC has not been implemented in all parts of the country. While some Iraqi IDPs may no longer experience barriers to obtaining documentation due to clearance requirements, many others continue to be subjected to security screenings.²⁵²

Measures have also been taken to ease barriers to birth registration created by proof of paternity requirements. In December 2022, the Court of Cassation ruled that DNA testing of a child's maternal relatives, such as uncles and grandfathers, could be used to establish lineage.²⁵³ In February 2023, Judge Faiq Zidane of the High Judicial Council issued a groundbreaking opinion stating that evidence based on Sharia law, such as witness testimonies, could be used instead of DNA testing to prove a child's lineage.²⁵⁴ While these decisions are recent enough that our fieldwork could not determine their impact on obtaining documents, they have the potential to expedite birth registration and the issuance of other civil documentation for the many children whose fathers are missing or dead.

International organizations, legal aid organizations, and NGOs also administer programs and services designed to expedite access to missing documentation. For instance, the UNHCR supported the rehabilitation of CADs in Shirqat, Salah al-Din, and several other governorates. These groups also appoint pro bono lawyers to assist individuals with tricky cases. While the work of these humanitarian groups is crucial to resolving the problem of missing documentation, it seemed clear to our researchers that their efforts were most often concentrated in the KRG, at the expense of other governorates with large IDP populations.²⁵⁵

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About the Authors

The Institute for International Law and Human Rights

The Institute for International Law and Human Rights (IILHR) is a 501(c)(3) non-profit charity registered in Baghdad, Brussels and Washington, D.C. IILHR helps states develop the capacity to strengthen the rule of law and build respect for human rights. With a staff of diplomats, parliamentarians, human rights activists, and attorneys, IILHR has a strong track record of implementing successful programs that help local partners strengthen support for human rights and the rule of law. Members of IILHR's staff have participated in legal, legislative, and civil society capacity-building programs in the Middle East, South Asia, Africa, and Central and Eastern Europe.

IILHR was purpose built to support Iraq in 2007, and since then IILHR has enjoyed in-depth, trusted working relationships with senior leadership in Baghdad and Erbil, in the parliament, the executive, and the judiciary, all while maintaining strong connections to leading Iraqi civil society organizations. Highlights of IILHR's current human rights and rule of law programming include:

- **Supporting the Iraqi Federal and Regional Parliaments:** IILHR has provided more than 100 legal memoranda that analyze draft legislation over the last 15 years, beginning in 2007. In collaboration with committees in the Council of Representatives and Kurdish Regional Parliament, IILHR continues to consult on a variety of legislative matters as part of Memoranda of Understanding negotiated directly with committees and the Speakers Offices.
- **Building Respect for the Rule of Law and a Stronger Iraqi Judiciary:** IILHR has worked with Iraq's judiciary since our inception in 2007, when we began work with a range of judges and law school professors from Basra to Zakho to develop options on implementing legislation for the Federal Supreme Court and Higher Judicial Council. The networks we have built continue to this day, covering Anti-Terror prosecutions, the Federal judiciary, the Kurdish judiciary, and Constitutional Review. Currently IILHR

supports judges in the Iraqi Judiciary to strengthen evidentiary standards, improve case management, and improve due process rights in prosecutions of high crimes.

- **Strengthening Protections for IDPs, Minorities, Women and Children, and other vulnerable groups in Iraq:** IILHR has worked across all branches of government and with civil society to support the rights of minorities and other vulnerable groups since 2007. This report represents one facet of these activities, which have ranged from police training on domestic violence, to developing Iraq's High Commission for Human Rights, to implementing non-discrimination provisions in Iraq's Constitution.

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Enmaa Center for Researches and Studies

The Enmaa Center for Researches and Studies is a registered, independent, non-partisan research center established to promote, conduct, and foster research, study and analysis on Iraq's current rule of law, human rights, economic and political landscape. It uses tools such as polling, data collection, and focus groups. It involves policymakers and citizens to disseminate information and promote, conduct, and foster other activities designed to increase knowledge and understanding relating to trends in Iraq that concern civil society, peace, democracy, rule of law, religious tolerance, government transparency and human rights. ECRS works with both policymakers and citizens to conduct workshops, seminars, and conferences to disseminate its research and studies and to exchange skills and experiences with other local, regional, and international think tanks.

ECRS has implemented several initiatives including projects focused on capacity building for Iraqi civil society organizations, as well as research analysis of anti-corruption and access to justice issues. Past support has come from the National Endowment for Democracy, The United Nations, and The International Relief Organization.

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