

**Submission by the United Nations High Commissioner for Refugees**

**For the Office of the High Commissioner for Human Rights' Compilation Report –**

**Universal Periodic Review:**

**THE STATE OF IRAQ**

**I. BACKGROUND INFORMATION**

**A. Refugees and Asylum-seekers**

The State of Iraq has not ratified the *1951 Convention on the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Refugee Convention*). The protection of refugees is governed by the 1971 Political Refugee Act No. 51. The Permanent Committee of the Ministry of Interior is in charge of the determination of refugee status. Article 1(3) of the Act defines a refugee as *'Every person who seeks asylum in Iraq for political or military reasons'*. The Act includes provisions relating to the right to work and to enjoy social benefits. However, it falls short of providing effective protection to asylum-seekers and refugees in Iraq. In the absence of adequate legislation and procedures for refugees and asylum-seekers in Iraq, their protection, rights, needs and durable solutions are mostly dealt with on an ad hoc basis. Accordingly, the status of the Syrian nationals who have fled their country since the start of the conflict in early 2012 remains unclear.

A new refugee law, on which UNHCR has commented, has been drafted, but is pending with the Iraq Parliament and the Shura Council. This law incorporates a comprehensive refugee definition including the five grounds enshrined in the *1951 Convention* as well as recognizing the needs of individuals fleeing generalized violence. The delay in the passing of the new law has resulted in the perpetuation of an unfavourable protection environment for asylum-seekers and refugees.

Although Iraq is not a State party to the *1951 Refugee Convention*, the country has long been host to refugees, who were recognized on a *prima facie* basis or through individual status determination. As of March 2014, 39,807 refugees and asylum-seekers of Palestinian, Iranian and Turkish origin are scattered in camps, settlements and urban areas across Iraq, mainly in the Kurdistan Region (KR), but also in Baghdad and other central governorates. As of 12 November 2013, 202,040 Syrian refugees were registered in Iraq, with 97 per cent of them in the Kurdistan Region. Others settled in Al Qa'im, Anbar governorate with a few scattered in other governorates. Camp Liberty is host to 2,820 asylum-seekers as of 12 November 2013.

For many refugees, the protection environment remains challenging with refugees facing the same difficulties as Iraqis in terms of security, poor infrastructure and unemployment.

Refugees with special needs, including persons with medical needs, persons with disabilities, elderly and survivors of violence, trauma or torture may be particularly at risk.

Difficulties related to personal security include generalized violence and absence of rule of law or in some cases the continued fear of targeted attacks. For several refugee groups, including the Palestinians in Baghdad, the period following the US invasion in 2003, and 2006-2007 was marked by a dramatic protection situation. The situation then relatively improved from 2008 to 2012. However, the deterioration of the security situation since April 2013 resulted in Iraq witnessing a level of violence reaching that of 2006 – 2007 and increased reports of hostility, discrimination and harassment of Palestinians.

Under Iraqi nationality law, persons who have resided legally in Iraq for ten years or more may become eligible for Iraqi nationality. Naturalization is also possible for children of an Iraqi mother and a foreign father. Some refugees who were recognized by national authorities in the 1980s and 1990s, have availed themselves of the opportunity to acquire Iraqi nationality, or are in the process of doing so. Many others, such as Iranian and Turkish Kurds in the North as well as Ahwazis in the South, are deemed to be effectively integrated locally, although difficulties persist with regard to securing Iraqi citizenship or obtaining proof of nationality from another country. In accordance with the Casablanca Protocol of 1965, as a rule, Palestinians are not entitled to Iraqi nationality, despite having resided legally in Iraq for over 10 years. The requirements of a legal residence and legal entry into the country exclude many refugees from naturalization prospects. One caseload notably affected by these requirements are stateless Syrian refugees who fled into Iraq's Kurdistan region in 2004. Despite a decade of legal residence, illegal entry effectively bars their access to Iraqi citizenship.

#### **B. Internally Displaced Persons in Iraq and Iraqi refugee returnees**

A large number of Iraqis fled from Iraq and were displaced within Iraq, both during the Saddam regime, but also during the peak of sectarian violence in 2006-2007. Iraqi refugees and IDPs have been returning to their areas of origin since relative improvements of the security situation in 2008. Since 2012, many refugees returned from Syria as a result of the on-going conflict in Syria rather than better conditions in Iraq. There are still close to one million IDPs registered in Iraq and a large number of refugees outside of the country. Returnees and IDPs continue to face a range of difficulties including security and economic instability and access to public services in the process of (re)integration. Those IDPs residing in informal/IDP settlements are facing particularly harsh living conditions, with limited access to utilities, adequate sanitation, education, as well as job opportunities. Eviction threats remain a protection challenge for IDPs in informal settlements.

There is a growing trend of new displacement in Iraq since early in 2013, particularly in Ninewa, Anbar, Salah al Din and Diyala Governorates. Patterns of displacement suggest that displacement is occurring as a result of political and sectarian violence targeting minorities as well as tribal disputes as a contributing factor. Newly displaced persons are

struggling with lack of food, the issue of documentation, and insufficient support from the Government.

### **C. Statelessness**

The number of stateless persons in Iraq has been commonly referenced to 120,000; but it is considered to be significantly lower. Although tens of thousands of individuals have seen their citizenship reinstated since the fall of the Baath regime, preliminary evidence suggests that statelessness is still prevalent in Iraq, while procedural solutions to resolve individual cases of statelessness are still limited due to absence of a specific legal/procedural framework.

Iraq is not a State party to either the 1954 Convention Relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness, and the Government made no pledges during the Ministerial Intergovernmental Event on Refugees and Stateless Persons in 2011. However, the Constitution mentions citizenship as a right for every Iraqi (Article 18). Also, anyone who is born in Iraq to an Iraqi father or to an Iraqi mother shall be considered an Iraqi. Furthermore, an Iraqi citizen by birth may not have his citizenship withdrawn (a naturalised citizen may, in cases regulated by law). The 2006 Nationality Law is one of the most progressive in the Middle East, and places men and women on (near) equal footing in terms of their eligibility to convey nationality to their children. The distinction is in relation to children born outside the country, as Iraqi women may only transmit their nationality to their children born abroad if the father is unknown or stateless and subject to the discretion of the Minister of the Interior. The Law also allows for the restoration of nationality to Iraqis deprived of their nationality by decision No. 666 of 1980 (this includes the Faili Kurds; Article 17). Similarly, any Iraqi, who was denaturalized on political, religious, racist or sectarian grounds, has the right to restore her/his Iraqi nationality (Article 18). The functioning of these important provisions could be further improved by the issuance of clear guidelines and instructions outlining the procedures and requirements to acquire nationality under these Articles. Stigmatization and practical hurdles (distance, financial means, reluctance to be registered) play an important role in the inability of certain groups and individuals to obtain proof of identity, nationality, birth or marriage.

## **II. ACHIEVEMENTS AND BEST PRACTICES**

UNHCR welcomes the Government's achievements in the following areas:

### **1. Syrian Refugees**

In the Kurdistan Region of Iraq, both the authorities and local population had maintained an open border policy and a welcoming attitude vis-à-vis Syrian refugees. However, issuance of residence permits for Syrian refugees residing outside the camp has been suspended since March 2013, and in May of that same year the authorities in the Kurdistan Region invoked complex political reasons to close the Peshkapor and Sehela border crossing points. The border was reopened in September 2014 but only in limited numbers to qualified persons. Strong reservations by the Kurdistan Regional Government (KRG) exists regarding individual family assistance to Syrian refugees out of camp in Erbil, while this kind of assistance continue to be permitted in the governorates of Dohuk

and Suleymaniya. Indeed the Kurdistan Regional authorities have shown significant degree of generosity and hospitality towards Syrians. The KR and Anbar authorities are providing and preparing land (levelling and road construction) and, in the KR, contribute to the provision of basic services for newly established camps. UNHCR has concluded partnership agreements with concerned governmental structures to ensure sustainable services in all camps and transit locations. Furthermore, discussions have begun with authorities and humanitarian agencies on the transition from humanitarian assistance to development. Under the leadership of the Resident Coordinator and the KRG, a task force on resilience based development approach is being formed to prompt assessments and the overall platform for long term support to Syrians in Iraq.

## **2. Refugees and Asylum-seekers**

Whilst the Government of Iraq has not yet developed a system for the determination of refugee status, the Permanent Committee of the Ministry of Interior (PC-MOI) has taken significant steps including systematic registration of asylum-seekers and refugees. The Ministry of Interior has continued to respect decisions on refugee status that were taken by the Iraqi authorities prior to March 2003, including for Palestinian refugees. With technical support from UNHCR, the PC-MOI through their newly established branch in Erbil, completed the registration and issuance of refugee residence cards to nearly all refugees in the central Governorates including Al Waleed, as well as Turkish refugees in Makhmour camp in Ninewa. Registration and issuance of cards affords refugees legally in Iraq a range of rights, including freedom of movement, the right to work (in the private sector), access to food, health, education and appear before courts.

## **3. Statelessness**

UNHCR welcomes the efforts made by the Government of Iraq in recent years in successfully restoring nationality for thousands of persons, notably Faili Kurds and Bidoon. Currently UNHCR and the Government of Iraq are negotiating the prospects and modalities of a mapping exercise designed to quantify the extent to which statelessness has been reduced since Iraq's adoption of Law No. 26 of 2006, particularly among the Faili Kurd population. The study is therefore seen as an important means of developing a more reliable estimate of the total residual stateless population in the country. Finally, UNHCR is encouraged by the Minister of Foreign Affairs' written statement that Iraq will consider acceding to the 1954 and 1961 Conventions on Statelessness.

## **4. Internally displaced persons**

UNHCR commends the initiatives taken by the Ministry of Human Rights (MoHR) in resolving the issue of eviction threats made against the residents of informal settlements including IDPs. The MoHR issued a ministerial instruction in September 2013 to their provincial offices to establish "Eviction Order Committees" with an aim to collect information on the reality of informal settlements, which would then be submitted to the Minister to halt evictions with alternate and durable solutions for those who are affected by eviction orders. Additionally, with the information collected, the local authorities are expected to take actions to improve the conditions of informal settlement to meet the minimum standard of living. The membership of the Committee includes representatives

from MoHR, Ministry of Migration and Displacement (MoMD), Provincial Council, as well as UNHCR and its partner International Rescue Committee. Joint visits by high rank officials of these government institutions were made to informal settlements affected by eviction orders in several key governorates, so as to identify obstacles and appropriate solutions.

UNHCR acknowledges the potential positive impact of the land distribution programme, which was initiated by the Council of Ministers in its decision no. 254 in 2013. The decision was made for the benefit of poor families, widows, orphans and other citizens who have limited income in Iraq. The programme includes distribution of plot of land (150 sq metres), as well as low cost shelters and provision of basic services (water and sanitation, electricity, public roads, health clinics, schools, green areas, etc.), for each eligible citizen of the mentioned categories, which could include IDPs. Efforts are underway to prepare 50,000 plots of land in the identified counties in Baghdad.

### **III. KEY PROTECTION CHALLENGES AND RECOMMENDATIONS**

#### **Issue 1: Access to the territory for Syrian refugees**

The Government of Iraq imposes restrictions on people entering Iraq, and its policy changes frequently. The Peshkahpor/Sehela border points in the Kurdistan region were closed since May 2013; but were re-opened briefly in August 2013, allowing a large scale influx of Syrians into the KR. However, Peshkahpor border point closed again to any traffic between the KR and Syria except for Syrians wishing to return to Syria. Sehela border point is completely closed. Similarly, Al Qa'im border has been completely closed since March 2013. Syrians with urgent medical needs are being treated at Al-Qaim border clinic without officially being admitted to Iraq. Since the beginning of October, Iraqi and Syrian wives and children are allowed to cross the border to join their spouses and families after obtaining approvals from the Border officials and the Army. Syrians with valid visa are now also allowed to enter Iraq. Similarly, at Al Waleed crossing point, Syrians with valid visa are allowed to enter Iraq, but asylum-seekers without visas are prevented from entering Iraq. The border closure has impacted negatively on the protection space for Syrians and others who are fleeing from violence in Syria. Split families have become a serious protection concern as some managed to enter Iraq and others were left behind in Syria.

#### **Recommendations:**

- Re-open the border without any restrictions thus allowing access to safety for Syrians and other nationals fleeing the conflict; and
- Allow for family reunification for those who have their family members left in Syria.

#### **Issue 2: Freedom of Movement of Syrian refugees**

The 2,000 Syrian refugees in the Al Obaidi Refugee Camp (Al Qa'im, Anbar) are confined in the camp with no freedom of movement. This has led to a range of negative

consequences for the protection and well-being of refugees, including complete dependency on humanitarian assistance. It is the main factor that contributed to the return of about 6,000 refugees back to Syria to date, despite the UNHCR non-return advisory. The refugees in the Al Qa'im district who do not reside in the refugee camp enjoy freedom of movement only within the district. The refugees who were granted residency within the Kurdistan Region have freedom of movement within the Kurdistan Region only. Restrictions to refugees' freedom of movement are in contravention with international law as well as Iraq's law and practice with regard to refugees.

**Recommendation:**

- Ensure freedom of movement for Syrian refugees to enable them to leave the refugee camps and to move to other districts or regions in Iraq.

**Issue 3: Detention of bona fide asylum-seekers and refugees**

Asylum-seekers and refugees are typically arrested for irregular entry into Iraq, lack of a valid residence permit, possession of forged identification documentation and in a small number of cases owing to suspicion of engagement in criminal acts, with charges usually brought under the Terrorism Law. All carry lengthy prison terms. In general terms, the authorities allow UNHCR access to these cases, however not always without difficulties. The authorities are required to execute court judgments and deport individuals who have been convicted. Nevertheless, they may halt deportations, but will not release the applicant from detention. Therefore, UNHCR is obliged to transfer the applicant to a refugee hosting site and/or pursue third country resettlement.

**Recommendations:**

- Reform outdated legislation such as the Law on Foreigners Residence 1978, the Passports Act of 1999 and the 1969 Penal Code; and
- Allow unfettered access to UNHCR to all cases of persons in need of international protection.

**Issue 4: Accession to the 1951 Refugee Convention and adoption of new refugee legislation**

Accession to the *1951 Refugee Convention* and the adoption of a new Refugee Law would provide a clearer basis for the Government of Iraq to provide refugees with international protection. This would formally recognize the Iraqi solidarity towards refugees and underline the importance attached by Iraq to cooperating with the international community in efforts to find solutions for refugees. It would also allow the Government to deal with issues related to asylum in a structured manner, thus complementing Iraqi obligations under international human rights instruments, as well as provisions in its Constitution. A clear legal framework would lead to harmonized and consistent procedures to deal with refugee issues rather than the current ad hoc procedures.

UNHCR believes that it is necessary to broaden the base of State support for the international refugee instruments, ensuring that the protection provided to refugees is more universal in scope and the burdens and responsibilities of governments are equitably distributed and consistently applied.

It is worth noting that this is in line with recommendations 1. *Consider the possibility of ratifying more human rights treaties, [...] such as the Convention relating to the Status of Refugees; 121. Continue to pay close attention to its obligations under international humanitarian and international human rights law, including with respect to foreign nationals and stateless persons; and 124. Adopt and apply measures aimed at guaranteeing full respect for human rights and international humanitarian law for all refugees;* which were supported by the Iraqi delegation headed by the Minister for Human Rights, H.E. Mrs. Wijdan M. Salim at the Working Group on the Universal Periodic Review seventh session from 8 to 19 February 2010.

**Recommendations:**

- Accede to the *1951 Refugee Convention*; and
- Adopt the new Refugee Law taking into account UNHCR's technical advice.

**Issue 5: Sustainable Reintegration for Iraqi Refugee Returnees**

Following the crisis in Syria, thousands of Iraqi refugees decided to return to Iraq. They live in poor conditions due to lack of housing and high rental prices. The sustainability of their returns remains fragile due to the significant financial challenges many households face, including employment, income and access to property and lack of documentation. These challenges are exacerbated for some returnees who in addition have medical/health related specific needs. Delay in the provision of the return grants and other benefits offered by MoMD for returnees discourage many Iraqis to return home and they prefer to go to a third country.

**Recommendations:**

- Provide return grants to Iraqi refugee returnees in a timely manner as well as any assistance that may be required to ensure the sustainability of their return.

**Issue 6: Durable Solutions for IDPs**

The "IDP file" has continued to be closed by MoMD, which pursues a strategy to end displacement by providing cash grants to promote return or settlement in the area of displacement without much consideration for long-term reintegration. As a result, IDPs are unable to find "durable solutions" even after receiving financial grants. Return to a place of origin is often hindered by insecurity, limited job opportunities, and lack of social support. Reconciliation and rebuilding of the social fabric are also inadequate to make IDP return more sustainable and yield tangible results. The Government of Iraq has not sufficiently prioritized the efforts in supporting local integration for those who opt to remain in the place of displacement, which is in fact the most preferred option among IDPs today. With a longer-term vision to prevent further displacement, social cohesion

activities can be promoted, including mediation, dispute resolution and conflict prevention.

Unregistered IDPs have limited access to Government assistance. MoMD's working definition of IDP excludes a large number of IDPs from assistance, despite many IDPs remaining disadvantaged by their displacement. MoMD needs to be encouraged to include these IDPs in their definition so they can also be assisted in order to properly address the IDP situation in Iraq.

IDPs living in camps and informal settlements face eviction threats due to lack of formalized tenure. Insecure tenure status prevents displaced Iraqis from investing in their homes and accessing basic services. There are no clear rights for displaced people that are not registered with MoMD, and while some District Councils are increasing efforts to enable access to basic services, actions vary significantly from place to place.

**Recommendations:**

- Halt evictions of IDPs residing in informal settlements and identify sustainable alternative options for those who are affected by eviction orders;
- Address root causes of displacement, and consider preventative measures against new displacement;
- Adopt a more holistic approach in finding durable solutions for IDPs through a development lens, and to respond to current needs of new displacement;
- Encourage more inter-ministerial approach in assisting sustainable return and reintegration of IDPs on the long term;
- Effectively include IDPs in the National Development Plan;
- Engage in capacity building of IDP and host communities, local NGOs, MoMD and other Ministries;
- Increase MoMD's ownership on the IDP issues, and bring them on the government priority agenda; and
- Increase efforts in peace-building and reconciliation both in the location where displacement occurred and the location of displacement.

**Issue 7: Child Protection and SGBV Concerns in Relation to the Draft Personal Status Law**

Iraq's current Personal Status Law (No. 188 of 1959) is considered to be among the most rights-sensitive in the region. It applies to all individuals regardless of religious sect, and sets the legal age of marriage at 18, with the possibility of marriage at 15 as an exceptional measure upon the approval of a judge who has determined the marriage to be in the best interests of the minor(s) involved. Law No. 188 also explicitly prohibits forced marriages and establishes that the element of coercion will render a marriage contract void.

In contrast, a new draft Personal Status Law (known as the Jaafari Personal Status Law) awaiting approval by Iraq's parliament would contravene a range of key international standards and principles. As the draft law would be applicable to any Shi'a residents of



Iraq, it would in principle also affect the rights and protection situations of populations of concern to UNHCR including refugees, returnees, internally displaced persons, and stateless people. The law calls for lowering the minimum marital age to 9 for girls and 15 for boys, with the possibility of girls younger than 9 being able to marry with parental approval. The draft law would also establish that wives do not have the right to object to sex within marriage, thus removing any legal protection or recourse in cases of spousal rape. In cases of divorce, the draft law would also automatically grant custody of any child aged two years or older to the father.<sup>1</sup> These provisions raise a number of concerns in relation to Iraq's international obligations to protect the rights of children.

**Recommendations:**

- Adopt the recommendations of the CEDAW Committee in its most recent Concluding Observations, which call on the State party to “[i]mmediately withdraw the draft Jaafari personal status law” from further consideration;<sup>2</sup> and
- Continue undertaking efforts to prevent and address instances of forced and early marriage.

**Issue 8: Accession to the 1954 and 1961 Conventions Relating to Statelessness**

Accession by Iraq to the *1954 Convention relating to the Status of Stateless Persons* and to the *1961 Convention on the Reduction of Statelessness* would establish a stronger framework to prevent and reduce statelessness and avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment for stateless persons.

The *1954 Convention relating to the Status of Stateless Persons* ensures minimum standards of treatment for stateless persons in respect to a number of fundamental rights. These include, but are not limited to, the right to education, employment, housing and public relief. Importantly, the 1954 Convention also guarantees stateless persons a right to identity and travel documents and to administrative assistance.

The *1961 Convention on the Reduction of Statelessness* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties that address the right to a nationality. An increase in the number of State parties to the two Statelessness Conventions is essential to strengthening international efforts to prevent and reduce statelessness and ensuring full enjoyment of a number of these rights.

**Recommendations:**

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<sup>1</sup> See Committee on the Elimination of Discrimination against Women, *Concluding Observations on the combined fourth to sixth periodic reports of Iraq*, 28 February 20145, CEDAW/C/IRQ/CO/4-6; Human Rights Watch, *Iraq: Don't legalize marriage for 9 year olds*, March 12, 2014, available at: <http://www.hrw.org/news/2014/03/11/iraq-don-t-legalize-marriage-9-year-olds>

<sup>2</sup> Committee on the Elimination of Discrimination against Women, *Concluding Observations on the combined fourth to sixth periodic reports of Iraq*, 28 February 20145, at paras. 17 – 18, CEDAW/C/IRQ/CO/4-6

- Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; and
- Assess the scope of statelessness in the country and provide the necessary protection to these persons of concern.

**Human Rights Liaison Unit**  
**Division of International Protection**  
**UNHCR**  
**March 2013**

**Excerpts of Concluding Observations and Recommendations from Special  
Procedures Reports**

**- Universal Periodic Review:**

**IRAQ**

We would like to bring your attention to the following excerpts from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Iraq.

**Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin**

Addendum: Visit to Iraq

Human Rights Council, 16<sup>th</sup> Session

A/HRC/16/43/Add.1, 16 February 2011

**62. Iraq has suffered many waves of internal displacement throughout its recent past as a result of conflict, sectarian violence, and forced population movements associated with policies of the former regime – with an estimated 1.55 million persons remaining in displacement since 2006. This situation is compounded by a marked deterioration of basic infrastructures and services across the country, lack of livelihoods and economic opportunities, continuing insecurity and sectarian divisions, as well as serious deficits in relation to governance, rule of law and the capacity of government structures.**

**63. On the basis of his visit, the Representative concludes that the Government of Iraq has made significant efforts towards addressing the situation of IDPs in the country. Achievements to date have included the National Policy on Displacement of July 2008, special measures introduced to facilitate return, reintegration and restitution of property, and cooperation with the international community to address the humanitarian and human rights situation of displaced persons in Iraq. The Representative also commends the Government for the commitments made in relation to displaced persons during the universal periodic review in February 2010. The Representative believes that his visit and resulting recommendations are an opportunity to build upon and carry forward that process and the recommendations to which the Government of Iraq agreed.**

**64. The Representative stresses that despite efforts to date, the complexity and scale of the internal displacement situation in Iraq requires stronger efforts by the Government and the international community to protect the human rights of internally displaced persons, address their immediate needs and find durable solutions to end their displacement. This can only be done on the basis of an inclusive and comprehensive strategy that takes into account all communities**

affected by displacement, including host communities and communities in areas of return.

65. In the Kurdistan Region of Iraq, the Representative acknowledges that KRG has received and provided safety to IDPs from all over Iraq regardless of their origin, particularly in the aftermath of the sectarian violence in the country 2006. Stronger coordination and cooperation mechanisms between the Central Government and KRG are necessary however, to address the situation of IDPs in this region, including vulnerable groups, as well as a number of administrative and financial assistance issues, such as difficulties in transferring PDS cards and receiving pensions, which are adversely affecting the rights and standard of living of IDPs. As well, while improved social, security, and economic conditions prevail in this region, continued cross border attacks continue to cause periodic displacement of its border populations. The Representative believes that stronger cooperation between the Government of Iraq and KRG, as well as concerted diplomatic efforts and border dialogues with relevant neighbouring countries, must be undertaken in order to prevent and raise awareness of the impact of cross-border attacks on civilian populations.

67. The Representative recommends that the Government of Iraq:

(a) Develop a two-pronged approach to the situation of internal displacement in Iraq which addresses both continuing humanitarian needs and longer term durable solution strategies;

(b) Develop, in accordance with international standards, in particular the Guiding Principles, a national action plan to address the immediate humanitarian needs and human rights of all displacement-affected communities, which includes equitable access to basic services, registration as IDPs and provision of personal documentation for those who may have lost it, need it renewed or transferred. Such a plan should envisage a mechanism with sufficient capacity and resources to provide adequate and the timely delivery of assistance and compensation to IDPs, as well as mechanisms to identify and target particular assistance to persons with special needs, such as women from minority groups that have been affected by conflict and displacement, widows and female headed households, the elderly, youth and children. This requires, inter alia, that federal and governorate authorities coordinate and improve the flexibility of systems related to the allocation, transfer and management of funds necessary to assist IDPs;

(c) Reopen registration to all IDPs in the country, as per the Government's stated intentions, in order to better assist IDPs with their displacement-specific needs, as well as to facilitate the identification and implementation of durable solutions. Information gained from more reliable IDP registration figures and surveys on the intention of IDPs should also be used to inform both a future national strategy on durable solutions, as well as governorate level action plans and strategies. The Government should also ensure that the reopening of registration of IDPs provides them with all related rights and benefits and is not exclusively conducted for statistical purposes in the context of the national census exercise;

- (d) Urgently address the dire living conditions and situation of an estimated 500,000 Iraqis, a majority of whom are believed to be IDPs, currently living in informal settlements in Baghdad and other cities. Pending longer-term solutions, immediate measure should be taken to improve the conditions in these irregular settlements such as by providing essential services including water, sanitation facilities and garbage collection, as well as by bringing some improvements to shelters which are currently inadequate. Efforts should also be made to improve their access to health and education. Simultaneously, concrete steps should be taken to identify alternative housing and long-term solutions, including the allocation of land plots;**
- (e) Declare a moratorium on evictions from these informal settlements, until the envisaged new strategy on internal displacement provides a clear plan and viable alternatives for these persons which are in line with international standards;**
- (f) Develop a durable solutions strategy to internal displacement in Iraq in accordance with such international standards as the Guiding Principles which is comprehensive in its scope and includes the full range of durable solutions, including return, local integration or settlement in a different location. Such a strategy should also ensure that all IDPs, including those displaced by natural disasters and irrespective of when they were displaced, should have equal access to durable solutions. Local integration, in particular, may be the only feasible solution for those who fear return or do not wish to go back to their former place of residence for other reasons;**
- (g) Ensure consultation with and the participation of displacement affected communities and IDPs themselves in the process of developing a durable solution;**
- (h) Pursue initiatives such as are being currently planned, which promote and assess the potential for local integration of IDPs in the different governorates across the country;**
- (i) Strengthen property restitution and compensation measures, including by facilitating procedures to establish ownership, increasing the capacity and efficiency of related mechanisms, and identifying and applying the lessons learnt from the country's experience in property restitution to date. This should be accompanied by a number of others measures, such as community reconciliation and investment in basic community services;**
- (j) Strengthen and clarify the institutional capacity and roles of the Ministry of Displacement and Migration, the Directorate of Migration and Displacement and provincial authorities on questions of displacement. This includes increasing the capacity of the Ministry of Displacement and Migration to both engage in day-to-day operational activities related to displacement, as well as to coordinate with relevant ministries, national and international agencies. Provincial authorities should play a key role in liaising with national, municipal and village authorities, and engage in intra-Government coordination, especially in the planning and implementation of displacement-related activities and policies;**
- (k) Adopt a binding legal framework for the protection of IDPs in line with international standards and the National Policy on Displacement, which provides a comprehensive set of rights for all IDPs and enables a more consist and coherent designation of roles and responsibilities among federal and governorate institutions;**

**(l) Develop a national peace-building and reconciliation strategy which seeks to prevent further forced displacement and implement sustainable long-term solutions to displacement in the country. This could include the increased capacity of the Iraqi Implementation and Follow-up Committee for National Reconciliation to address tensions and reconciliation issues in the context of displacement, including with regard to tensions between IDPs and host communities, and in the identification and implementation of durable solutions, including local integration and returns. Activities such as the Diyala initiative, which address national and reconciliation issues in the context of integration and return programmes should be actively promoted and adequately resourced. The Government of Iraq should also develop a multi-year media and outreach campaign that raises awareness of the harm of sectarian divisions and violence within the country, promotes messages of national peacebuilding and, in that context, raises awareness of the rights and situation of IDPs. In that spirit, the Government of Iraq, in coordination with all local authorities, should identify and specifically avoid policies and programmes which risk cementing or increasing ethnic or religious divisions;**

**(m) Systematically include displacement-related issues, including humanitarian and durable solutions aspects, in national development frameworks and activities, in particular in the forthcoming National Development Plan, and provide sufficient budgetary allocations for these activities.**

**68. With regard to the situation of IDPs in Kirkuk, the Government should investigate allegations of recent harassment and detention of IDPs and take measures to both reaffirm and ensure that the upcoming census exercise remains non-political and inclusive and does not adversely affect the human rights of IDPs.**

**69. With regard to the Kurdistan Region of Iraq, the Government should strengthen, together with KRG, diplomatic efforts and border dialogues to address the cross border attacks and raise awareness of the harm to civilian populations in border areas. Simultaneously, systems should be put in place to improve reception capacities for border populations suffering from these periodic attacks and displacement.**

**70. The Representative recommends that the Kurdistan Regional Government (KRG) authorities, in coordination with the Federal Government, develop, in accordance with international standards (in particular the Guiding Principles), an action plan to address the immediate social needs of and durable solutions for the 30,000 IDP families in the region within the broader national displacement strategy. Such a regional action plan should include housing interventions such as rental subsidies, housing and land allocations, livelihood and employment projects (including language training for non-Kurdish speakers), improved access to educational facilities, including through language training and measures to address dropouts due to poverty, and improved access to health care. More targeted assistance programmes would also be necessary to address the specific problems of particularly vulnerable IDPs (including due to chronic poverty) and groups at risk of abuse or exploitation, including female-headed households, separated children,**

and children who have taken on the role of breadwinners. KRG, in coordination with the Federal Government, should reopen registration to all IDPs in the region.

71. The Representative recommends that the international community:

(a) Support and provide technical assistance to the Government of Iraq in the development of a national strategy on durable solutions and a national action plan on humanitarian assistance to IDPs. Similar assistance should also be provided to KRG and other governorates for the development of regional strategies and action plans, in line with national policies and strategies;

(b) Continue to support the Government of Iraq through capacity-building and technical assistance, particularly in relation to the development of national IDP legislative frameworks, joint initiatives on such integrated and holistic durable solutions projects as the Diyala initiative and the implementation of humanitarian assistance activities to IDPs;

(c) Continue and strengthen monitoring, information analysis and advocacy activities in relation to the human rights situation of IDPs, including IDP returnees;

(d) In line with the two-pronged approach, strengthen support and financial commitment to UNHCR and other humanitarian actors, in order to address the urgent humanitarian needs in the informal IDP settlements, directing resources towards the construction of low cost houses for homeless IDPs and other vulnerable groups, in line with the Prime Minister's proposal for allocation of land to homeless and destitute IDPs;

(e) In close cooperation with the Government of Iraq address and direct resources to the urgent humanitarian needs of some 500,000 homeless Iraqis, many of whom are IDPs;

(f) Work closely with the Government of Iraq and concerned United Nations agencies, to develop a work plan for the implementation of the commitments made in the context of the universal periodic review;

(g) Ensure the inclusion of IDP-related issues in the development programmes of the United Nations and the international donor community;

(h) Actively engage in diplomatic initiatives to encourage long-term capacity building with regard to institutional, human rights, rule of law, and governance issues in Iraq, including in order to prevent further forced displacement due to sectarian violence, impunity, and violations of human rights;

(i) Actively encourage a more diversified group of international donors to support and engage with the Government of Iraq on both quick impact and longer term projects aimed at improving human rights, as well as the humanitarian and longer-term situation of IDPs.