



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

**Addressing the Humanitarian Needs of
Refugees and Internally Displaced Persons
inside Iraq and in Neighbouring Countries**

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**HUMANITARIAN NEEDS OF PERSONS DISPLACED
WITHIN IRAQ AND ACROSS THE COUNTRY'S BORDERS:
AN INTERNATIONAL RESPONSE**

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I. INTRODUCTION

1. This paper presents an overview of the humanitarian consequences of the complex situation in Iraq, and outlines proposed measures for providing effective protection to internally displaced persons (IDPs) and those who have been displaced across Iraq's borders and further afield, in conditions that have placed them in need of protection, assistance and solutions. Also examined are the compelling needs of non-Iraqi refugees currently residing in Iraq.

2. Following a short section with background information, including a description of population movements and their impact and current responses, the paper calls for a decisive international response to meet the humanitarian needs of persons displaced within Iraq (Iraqi IDPs and non-Iraqi refugees) and Iraqis abroad. Placing emphasis on actions to address immediate needs for protection and assistance, it nevertheless suggests that a more comprehensive response to the situation is ultimately necessary to address the consequences of forced displacement within and outside of Iraq.

3. It is against the backdrop of the scope, complexity and urgency of this situation involving Iraqi IDPs, Iraqi refugees, and non-Iraqi refugees, that the United Nations High Commissioner for Refugees (UNHCR), in consultation with the United Nations Secretary-General and a number of interested governments, and in close cooperation with the United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, has convened a Ministerial Conference on 17 and 18 April 2007 in Geneva.

4. The objective of this Conference is to sensitize the international community to the immediate and foreseeable humanitarian needs of the refugees and displaced persons, as well as of the affected States, and to promote concrete actions to address these needs. It is hoped that, at the Conference, expressions of international solidarity and burden sharing with the principal host countries and communities, the IDPs and the refugees, will take the form of commitments to assist the displaced, the Government of Iraq and the host countries neighbouring Iraq. Such commitments would include increasing resettlement opportunities for the most vulnerable groups, providing bilateral support to hosting countries, funding of humanitarian programmes, as well as improving prospects for durable solutions.

5. Indeed, action at the political level is urgently needed to improve the humanitarian situation and address its underlying causes. To address the humanitarian situation, concerted action is required to set in place a multifaceted international approach which:

- i) enhances respect for human rights and humanitarian law inside Iraq;
- ii) strengthens efforts to limit forced population displacement by diminishing the causes compelling people to flee their homes;
- iii) guarantees freedom of movement to seek safety;
- iv) ensures protection and material assistance for those who have fled the country, consistent with international refugee law, recognizing that voluntary return in conditions of safety and dignity is the preferred option whenever possible;

- v) identifies immediate solutions to the pressing humanitarian problems of the most vulnerable; and
- vi) initiates action to create conditions, including for the socio-economic rehabilitation of affected areas, in order to make it possible for all Iraqis to return when it is possible to do so, and to deliver other durable solutions for those who cannot return.

II. BACKGROUND

6. Over the past three decades, large numbers of Iraqi nationals have left the country in successive waves owing to a variety of factors, including human rights violations, international conflicts and the impact of economic sanctions. In 2002, the Iraqi expatriate community worldwide numbered some four million people, with more than half a million residing in neighbouring States.

7. After the military intervention of March 2003, some had hoped that large numbers of Iraqi expatriates and refugees would return to Iraq and contribute to the reconstruction and development of the country. Between 2003 and 2005, some 325,000 Iraqi refugees did indeed return to their homeland for a variety of reasons, including some positive political developments. Since 2005 and early 2006, however, the trend has reversed and the rate of returns has dropped markedly. Growing numbers of Iraqis have left the country. Spiralling sectarian, political and criminal violence, dwindling basic services, loss of livelihoods, inflation and uncertainty about the future have discouraged many Iraqis from returning and spurred the flight of hundreds of thousands to destinations within and beyond Iraq's borders. The bombing of the Shia Al-Askariya shrine in Samarra in February 2006 was a turning point since it triggered factional violence and acts of terror, leading to more complex and durable forms of displacement.

III. POPULATION MOVEMENTS

A. Inside Iraq

8. At the end of 2005, some 1.2 million Iraqis were IDPs.¹ During 2006, the number increased by around 50 per cent, with current estimates putting the IDP figure at 1.9 million.² Some 40,000-50,000 Iraqis are now fleeing their homes every month, with many crossing or attempting to cross into neighbouring countries in search of protection. It has been estimated that one out of every eight Iraqis is either an IDP or has fled the country.

¹ UNOPS/UNHCR data for the three northern governorates and IOM monitoring data for the 15 central and southern governorates.

² Information on post-Samarra IDPs provided by the Ministry of Displacement and Migration, the Kurdistan Regional Government, IOM, UNHCR and other organizations.

9. In addition to Iraqi IDPs, there are an estimated 45,000 non-Iraqi refugees and asylum-seekers in Iraq, many of whom live in especially precarious conditions.³ Of particular concern are the Palestinian refugees, who are concentrated in Baghdad and who have been singled out for persecution and killings since 2003. According to some sources, more than 500 Palestinians have been murdered over the past four years, which has contributed to a climate of vulnerability and fear, and attempts to flee Iraq into neighbouring countries.

B. Across Iraq's borders

10. The large-scale, forced displacement of Iraqis has the potential to become the biggest humanitarian crisis in the Middle East since the Palestinian exodus of 1948. Two million Iraqis are estimated to be in neighbouring countries, primarily in the Syrian Arab Republic and Jordan, where they have been able to remain under varying legal or de facto arrangements. Smaller but sizeable numbers are also present in Lebanon, Egypt, the Islamic Republic of Iran and Turkey, as well as other countries in the Gulf region and the Gulf of Aden. Others have fled to Asia, Europe, Oceania and North America.

11. Having examined their plight closely, UNHCR has determined that the majority of these Iraqis have left the country under circumstances that place them in need of international protection. UNHCR recognizes as refugees under its mandate both those persons who fall within the refugee criteria under the 1951 Convention relating to the Status of Refugees, as well as those falling within the extended definition as persons fleeing generalized armed conflict or civil unrest.

12. Iraqis today also account for the largest group of asylum-seekers in 32 industrialized countries surveyed by UNHCR in Europe, North America and Asia. Asylum applications by Iraqis in industrialized countries rose by 77 per cent in 2006 – from 12,500 in 2005 to 22,000 last year. Sweden was the top destination with some 9,000 applications, followed by the Netherlands (2,800), Germany (2,100) and Greece (1,400).

IV. ADDRESSING THE PLIGHT OF INTERNALLY DISPLACED PERSONS AND REFUGEES

13. Host countries in the immediate region deserve recognition for their hospitality, patience and humanitarian commitment. It is also important to recognize and pay tribute to the untiring efforts of local authorities, national Red Crescent societies, NGOs and charitable organizations, within Iraq, in neighbouring countries and further afield. They have been important sources of support to Iraqis, providing food, water, medicines and shelter to the most needy, in addition to much needed moral support.

14. The unfolding crisis in Iraq had already prompted UNHCR to shift from focusing predominantly on repatriation, reintegration and rehabilitation activities inside Iraq, to providing protection and humanitarian assistance to IDPs and host communities, as well as for the increasing numbers of Iraqis in neighbouring States.

³ There are currently some 10,000 Kurdish Turks, 15,000 Palestinians, 12,000 Iranians, and small groups of different nationalities.

15. Security concerns within Iraq have severely hindered humanitarian access and obliged the United Nations and other institutions providing humanitarian relief to adopt measures such as primary dependence on local agency and partner staff, the initiation of cross-border activities and other methods for “remote management” of operations from outside the country. This has unfortunately contributed to a perception that the international community has not taken sufficient action to alleviate the suffering of IDPs and the communities hosting them. The international spotlight is shifting, albeit belatedly, to highlight the plight of Iraqis in neighbouring States, but the humanitarian community does not have the option of neglecting the increasingly desperate situation of the almost two million IDPs who remain inside their country.

A. Internally displaced persons

16. The Government of Iraq is responsible for ensuring the protection of its citizens, including IDPs. The United Nations Assistance Mission for Iraq (UNAMI) estimates that large numbers of people are dying every day in the country, falling victim to atrocities including abduction and torture, criminal and terrorist attacks, and the risks that are part and parcel of the volatile security environment. Some 80 per cent of all IDPs are from central and southern Iraq. The situation in the central and southern parts of Iraq can be characterized as one of both generalized violence, as well as one in which targeted violations of human rights are prevalent. Ethnic tensions have also risen in traditionally mixed areas, such as Baghdad, Kirkuk, Mosul and Diyala.

17. Specific acts of terror and intimidation by armed elements in mixed areas, aimed at “homogenizing” the composition of the population, have uprooted many individuals and families, who have been forced to flee to areas where their ethno-religious group constitutes the majority. Furthermore, armed clashes between the Multinational Forces and Iraqi Security Forces on the one hand, and insurgents on the other, have also produced population displacements, particularly in the central, western and north-western regions of the country.

18. As a consequence, traditionally mixed areas are becoming demographically more homogeneous, leading to the emergence of sectarian “cantons”, with mixed neighbourhoods and towns beginning to disappear. Whether in the Kurdistan Regional Government (KRG)-administered governorates of Dohuk, Erbil, and Sulaimaniya, or in the southern, predominantly Shia, governorates of Kerbala, Basrah, Thi Qar, Muthanna, Babylon, and Al Najaf, restrictions on the entry of IDPs are being imposed or access to basic services is prevented, as the local authorities are not registering people arriving as IDPs or facilitating their access to documentation. There are indications that other governorates may follow suit. Some neighbourhoods in Baghdad have adopted similar restrictions on who can enter or take up residence.

19. Despite a substantial national budget, Iraq today suffers from high levels of unemployment, the decline of basic services (water, electricity and fuel), and a significant deterioration in the health and education sectors. Over 50 per cent of the population lives on less than US \$1.00 per day. Half of school-age children are not attending school, and 70 per cent of Iraqis lack access to adequate water supplies.

20. As well as straining already heavily burdened social services and local infrastructure, IDPs are considered by receiving communities to be competing for scarce resources and responsible for rising living costs (notably for food, fuel and housing). They are also discriminated against since they are perceived to be responsible for an increase in criminality and prostitution. Overall, a significant number of IDPs live in precarious conditions due to lack of income and savings, poor housing, and progressively limited access to public services, as well as to health and educational facilities. Many IDPs lack stable income, have limited savings and cannot afford rising rental prices. Others reside with relatives and host families, or in public buildings and makeshift accommodation, including tents.

21. Three quarters of all IDPs are women (28 per cent) and children (48 per cent). There are significant numbers of unaccompanied children and households headed by women. Many husbands and fathers remain in the place of origin, while sending their families to safety. There are growing indications of incidents of sexual and gender-based violence (SGBV) among IDPs. There are persistent indications of the recruitment of child soldiers by irregular forces. These and other circumstances associated with displacement could increase vulnerability of the population to HIV, particularly among women and young people. Among the IDP population, there are also other vulnerable groups, such as the elderly and those with disabilities.

22. Many socio-economic indicators are pointing to a worsening situation. It is therefore necessary to plan for a relief effort targeting a larger and more vulnerable population. Although security remains the principal factor inhibiting a more extensive United Nations relief effort, the time has come to focus on what can be done, not what the international community remains unable to do.

23. This is the thrust of a Strategic Framework for Humanitarian Action in Iraq, which is being devised by the United Nations and partners. UNHCR remains committed to supporting the Iraqi authorities in providing assistance and protection to uprooted populations in Iraq, and to helping, wherever possible, to avert new displacement, as well as to achieve durable solutions.

24. It should be recognized that the Iraqi authorities have been doing their utmost in order to reinstate law and order and counter the present culture of violence. Subject to political and security actors ensuring greater safety and access, the humanitarian actors will seek to mitigate the increasingly harsh conditions faced by Iraq's growing IDP population, through an expansion of direct humanitarian aid and support to them and to their host communities.

25. Building upon current programmes, and in the framework of its responsibilities under the inter-agency cluster for refugees, internally displaced persons and durable solutions, UNHCR will provide basic assistance for individuals and groups to supplement strained resources, including emergency shelter to IDPs; extension, rehabilitation or repair of host-family homes; quick-impact improvements to community infrastructure and public services; and support for IDPs and vulnerable host community members. In light of the particular protection concerns with regard to IDPs, and complementary to the protection provided by the Government of Iraq, UNHCR will continue to monitor their situation and provide targeted protection interventions by expanding the capacity of its network of Legal Aid and Information Centres, through additional offices, mobile teams, technical support and staff training. These will aim to deliver both direct assistance (on matters including the reissuing

of lost identity documentation, civil status, birth and marriage certificates) and advocacy on behalf of IDPs and others of concern with relevant stakeholders, in order to enhance access to services.

26. Improving the protection of Iraqi IDPs, however, will necessarily entail:

- *Respect for human rights and humanitarian law.* It is essential for all actors to reaffirm in words and deeds their respect for basic human rights and humanitarian principles.
- *Efforts to diminish the imperative to flee.* It is incumbent on the Iraqi authorities and the international community to pursue every opportunity to diminish the imperative for Iraqis to flee their homes, notably by providing protection and assistance to people inside Iraq. These efforts should not, however, prejudice the right to seek asylum.
- *Humanitarian access to populations in need.* Whether in conflict or non-conflict areas, humanitarian access to those in need of protection and assistance must be upheld by all parties at all times, as must respect for the freedom of movement of individuals and their right to seek protection and assistance.
- *Non-discrimination in access to state services* (health, food and fuel rations, education and documentation).
- *Recognition of the right to return home voluntarily in safety and dignity or to settle voluntarily in the current location of displacement or in another part of Iraq.*

27. Opportunities for humanitarian actors to work in the north of Iraq exist, including the possibility of expanding operations from the north southwards. It is imperative that all actors interested in providing assistance to IDPs cooperate to make the best use of limited resources in the difficult working environment. Security, logistics and communications will be key to the effectiveness of humanitarian operations in Iraq for the foreseeable future.

B. Non-Iraqi refugees in Iraq

28. Protection of refugees inside Iraq is primarily the responsibility of the Government of Iraq. However, the security environment has made it nearly impossible to guarantee adequate protection and assistance to refugees in the central and southern governorates. UNHCR will continue to work with the authorities in an effort to improve their protection. The Office is already engaged in limited cross-border relief interventions to assist discrete groups of refugees currently blocked in border areas. UNHCR is examining the feasibility of establishing secure locations for resettlement interviewing, and refugee status determination (RSD) for those seeking asylum. Many of the measures described in the preceding subsection are relevant to improving protection and assistance for non-Iraqi refugees.

29. Enhanced resettlement of non-Iraqi refugees who are no longer safe inside Iraq, or who are stranded at its borders, is considered a vital component of the international protection response. For example, in view of their precarious situation, Palestinians are in particular need of humanitarian solutions at this time. The possibility of the temporary relocation of

certain groups of refugees to areas inside or outside Iraq, where protection may be better assured, may also need to be considered as an exceptional measure, depending on how the situation evolves. Countries of origin are also encouraged to support the voluntary repatriation of their citizens.

C. Iraqis abroad

i. Iraqis in the immediate region

30. The Syrian Arab Republic and Jordan, as well as other States in the region neighbouring Iraq, have demonstrated generosity and solidarity in hosting large numbers of Iraqis. Undeniably however, their presence, in addition to that of large numbers of Palestinian refugees, has seriously strained national infrastructures, economies, and basic services, and, in some instances, has raised national security concerns in host nations. There are now reports that in the Syrian Arab Republic, Jordan and Lebanon, it is proving increasingly difficult to provide basic services, such as health care and public schooling, to Iraqis. The warm welcome previously extended to them has begun to wane and public concern is on the rise. Security considerations have led to increased border controls and the risk of further restrictions on admission.

31. Iraqis are facing the problem of dwindling resources and are finding it progressively more difficult to sustain themselves. Many have overstayed their visas and have become illegal residents, at risk of detention and deportation. Refugee households have limited access to medical treatment. Children are either unable to attend school or facilities are so overcrowded that they cannot accommodate new pupils. Some host countries allow Iraqis to enrol in private schools, but most families do not have the means to do so. Ensuring access to education is critical for displaced children, as it offers structure, stability and hope for the future, during a time of crisis, and provides protection against exploitation and abuse. The prevalence of separated families, unaccompanied minors and women-headed households has further exacerbated the difficulties facing Iraqis. There are reports that young girls are increasingly obliged to contribute to family incomes, and some are resorting to prostitution as a means of survival. Consequently, the incidence of SGBV is on the rise, as is vulnerability of refugees to trafficking and exposure to HIV. Child labour and other means of exploitation are increasingly being reported.

32. UNHCR is sensitive to the specific concerns of countries hosting large numbers of Iraqis. An important challenge is to put in place arrangements that ensure international protection for those Iraqis in need of it, while simultaneously meeting the concerns of Governments as regards issues of state security and sovereignty. Building and consolidating a “protection space” for Iraqis, underpinned by international support to the most affected countries, is a major UNHCR objective in the region. UNHCR appeals to the international community to make a strong commitment to support countries that are shouldering the burden of hosting the refugees.

33. From UNHCR’s perspective, regardless of the formal status conferred, the most critical elements of protection for Iraqis arriving in neighbouring countries and seeking refuge are:

- access to safety and *non-refoulement*;
- non-penalization for illegal entry;

- availability of humanitarian assistance to persons with specific needs;
- permission for temporary stay under acceptable conditions; and
- the search for durable solutions, including through resettlement, until such time as conditions permit voluntary repatriation to take place in safety and dignity.

34. Registration is recommended as a means of strengthening planning to meet assistance needs and identification of protection vulnerabilities. Moreover, registration greatly facilitates the efforts of governments to better manage the presence of foreigners on their respective territory. It is also desirable to provide documents upon registration which protect from *refoulement*.

35. UNHCR acknowledges that the States neighbouring Iraq do not consider local integration of Iraqis to be a viable option and recognizes that voluntary repatriation is considered the preferred solution. However, allowing access to basic services, such as education and health, and opportunities for self-reliance is strongly encouraged. UNHCR encourages strong support for line Ministries most directly affected by the presence of Iraqis, such as Ministries of Health and Education, in order to provide additional facilities that would directly benefit Iraqi refugees and the communities hosting them, and stands ready to contribute to this reinforcement of national capacity.

36. UNHCR has significantly increased its resettlement staff in the Middle East region in the first months of 2007, with a view to resettling some 20,000 vulnerable Iraqis this year. By 30 March, more than 2,000 applications had been formally submitted for resettlement consideration. UNHCR has also put in place an accelerated processing system to identify and process the most vulnerable cases and States are encouraged to streamline their own processes. States are requested to offer resettlement opportunities for Iraqis in neighbouring host States as a tool of burden sharing for the protection of the most vulnerable. The strategic use of resettlement can help to maintain a “protection space” in host countries in the immediate region.

37. UNHCR requests States with resettlement programmes to increase existing resettlement targets in order to accommodate the growing needs and to introduce more flexible criteria to ensure that as many vulnerable Iraqis as possible can benefit from this solution. Resettlement countries are urged to look favourably at UNHCR requests for the resettlement of Iraqi refugees, given the absence of other durable solutions at this time. States that do not yet have resettlement programmes are encouraged to make resettlement places available for Iraqis. It should be noted that resettlement in no way jeopardizes the right of Iraqis to repatriate voluntarily when conditions improve.

38. UNHCR also requests States to take a flexible and inclusive approach to requests from Iraqis for family reunification or alternative humanitarian visa possibilities.

ii. Iraqis further afield

39. States in Europe, the Americas, Asia, Oceania and other parts of the world can demonstrate their commitment to solidarity with the people of Iraq, as well as with the States most affected by influxes from Iraq, by continuing to provide asylum or complementary forms of protection to Iraqis who seek protection outside the Middle East region. An analysis carried out by UNHCR of protection rates in industrialized countries regarding Iraqi asylum claims has revealed wide variance in State practice. A more consistent, favourable approach to such claims is called for.

40. UNHCR issued a *Return Advisory and Position on International Protection Needs of Iraqis outside Iraq* in December 2006 that cited extreme violence in central Iraq and significant instability in the south, among other factors, and made a number of recommendations, including that: *No Iraqi from Southern or Central Iraq should be forcibly returned until such time as there is a substantial improvement in the security and human rights situation in the country.*⁴

41. The Office maintains this position, although it is being kept under review in light of the evolving situation. Asylum claims should not be rejected on the basis of an internal flight alternative due to the limited absorption capacity, as well as other considerations. Under the current circumstances, it would not be reasonable to expect an Iraqi from the central or southern regions to relocate to the three northern Governorates of Sulaymaniyah, Erbil and Dohuk. UNHCR also encourages States, in a spirit of solidarity, to refrain from returning Iraqis to countries neighbouring Iraq.

V. CONCLUSIONS

42. A comprehensive approach to addressing all of the humanitarian consequences of the “Iraq situation” is by far the most preferable. The solutions lie, to a large extent, outside the realm of humanitarian action alone. A coordinated, comprehensive approach to this rapidly evolving situation must be developed in order to remain flexible and responsive to new developments. Burden-sharing arrangements can already be considered as a key element of the comprehensive international approach, and as a means of demonstrating solidarity with the countries in the immediate region that are generously hosting Iraqi refugees; the Iraqis who are displaced; and the communities hosting them. The Strategic Framework for Humanitarian Action in Iraq, which is being elaborated by the United Nations and partners, should provide an important reference point for expanded humanitarian activities inside Iraq.

43. There is a need to maintain a dialogue, through a regular exchange of information, on options for concerted action in relation to prevention, protection and voluntary return, as well as to mobilize international assistance and support for humanitarian action. Such a multilateral dialogue should bring together Iraq and a “core group” of States which are directly concerned by the problem, including both receiving States and donor governments, as well as interested organizations, including UNHCR.

⁴ UNHCR Return Advisory and Position on International Protection Needs of Iraqis outside Iraq, 18 December 2006.

44. International support for IDPs inside Iraq and their host communities is now urgent, but hinges on reaffirmation in words and deeds of respect for basic human rights and humanitarian principles, humanitarian access, as well as equal access to basic services and urgent material assistance.

45. UNHCR encourages States hosting Iraqis in the immediate region to continue to work with the Office in establishing an essential “protection space” for Iraqis, by keeping their borders open, refraining from forcible returns and providing humane living conditions with international support. States further afield are encouraged to continue providing asylum or complementary forms of protection. The international community, in a concrete demonstration of international solidarity and burden sharing with those countries and communities bearing the greatest burdens, is encouraged to provide financial and other forms of support for humanitarian programmes, enhanced resettlement opportunities and to cooperate in improving the prospects for voluntary return.