



COI QUERY

Country of Origin	Iraq
Main subject	Ethnoreligious minorities and stateless persons (January 2019 – August 2020)
Question(s)	<p><u>1. Ethnoreligious minorities in Iraq</u></p> <p><u>1.1 General overview of the situation of ethnoreligious minorities in Iraq</u></p> <p><u>1.2 The state of access to documentation and basic rights</u></p> <p><u>1.2.1 The state of ethnoreligious minority groups' rights in Iraq (relevant legislation on identity documents, school enrolment, healthcare, education, residence, other rights)</u></p> <p><u>1.2.2 The state of access to registering vital civil status events, re-obtaining lost documents, and obtaining new documents</u></p> <p><u>1.2.3 The state of access to health, education, residence, and other services</u></p> <p><u>1.2.4 Enrolment of children to school</u></p> <p><u>2. Stateless persons</u></p> <p><u>2.1 Palestinians</u></p> <p><u>2.2 Bidoon</u></p> <p><u>2.3 Faili Kurds</u></p> <p><u>2.4 Roma</u></p> <p><u>2.5 Undocumented children</u></p>
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¹ Network composed of specialised COI researchers and analysts from EU+ countries



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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities.

The answer was finalised on 11 September 2020. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE

1. Ethnoreligious minorities in Iraq

1.1. General overview of the situation of ethnoreligious minorities in Iraq

The 2019 report of the UN Committee on the Elimination of Racial Discrimination noted that Iraq's ethnic and ethnoreligious groups—including Armenians, Assyrians, Chaldeans, Kaka'i, Sabea-Mandean, Shabaks, Syriacs, Turkmen, and Yazidis—suffered from armed violence and displacement, resulting in a significant decrease in their number, particularly in the Ninawa (Ninewa, Ninevah) Plains.²

In August 2020, the Australian Department for Foreign Affairs and Trade (DFAT) noted that 'a number of ethnic and religious minority communities reported facing discrimination, displacement and occasional violence from PMF [Popular Mobilisation Forces] groups and government security forces' after the recapture of Kirkuk by the government in 2017 and underlined poor security conditions in areas formerly held by ISIL.³ As noted by UNOCHA in January 2020, social, ethnic, religious, and sectarian tensions were reported to occur in Iraq 'between Sunni and Shia Muslims, Arabs and Kurds, and between and among other minority groups.'⁴ In July 2020, the United States Institute of Peace (USIP) noted on the destruction of Kaka'i tombs in the governorates of Ninawa and Kirkuk in March 2020 and attacks by gunmen, allegedly connected to ISIL, against Kaka'i civilians in May and June of the same year. According to USIP, many members of the community fled their homes due to the violence since the beginning of 2020, in the result of which seven villages were reported abandoned.⁵

As noted by USIP in May 2020, 'Yazidi, Christian, and other minority groups' constituted nearly 40 % of almost 787 400 internally displaced persons (IDPs) in Iraq.⁶ UNHCR stated in May 2019 that 'the

² CERD, Concluding observations on the combined twenty-second to twenty-fifths periodic reports of Iraq [CERD/C/IRQ/CO/22-25], 11 January 2019, [url](#), p. 4

³ Australia, DFAT Country Information Report – Iraq, 17 August 2020, [url](#), p. 20

⁴ UNOCHA, Humanitarian Response Plan – Iraq, January 2020, [url](#), p. 12

⁵ USIP, Threat to Kaka'i Community Poses Broader Challenges for Iraq's Democracy, 27 July 2020, [url](#)

⁶ USIP, Iraq and its Minorities Face a New Challenge with Coronavirus, 5 May 2020, [url](#)

return of members of ethnoreligious minorities, including Turkmen, Yazidis, Christians, Shi'ites, and Shabaks' was reported to be slow, as many members of these communities remained displaced.⁷ As found by the 2019 IOM study on displacement and return, which focused on Turkmen Shia, Shabak Shia, Yazidi, and Christian communities, 91 % of the interviewed IDPs indicated that 'better safety in the location of displacement' was 'the main driver' for their decision to stay displaced, followed by the concerns about the access to services, particularly to education. Furthermore, 56 % of Christian respondents indicated to be particularly concerned 'about not being welcomed in their location of origin.'⁸ The sources interviewed by the Danish Immigration Service (DIS) and the Norwegian Country of Origin Information Centre (Landinfo) in Erbil and Sulaymaniyah in April 2018 noted that IDPs (Muslim Sunni and Christian alike) were more eager to return if their locality was protected by a militia of the same religious sect or controlled by the same sectarian group.⁹

A researcher Saad Salloum noted that the areas inhabited by minority groups are among the poorest and/or the most remote areas in Iraq. Besides Sinjar district of Ninawa governorate, a homeland to Yazidis, and the Ninawa Plains, inhabited by Christians, Yazidis, and Shabaks, poverty is widespread in Az Zubayr region, Basra governorate, which is a 'stronghold of the Iraqis of African descent,' the Mandaean areas on the outskirts of Maysan governorate, and Kaka'i villages on the outskirts of Kirkuk governorate. Furthermore, following their displacement from Ninawa governorate after the ISIL invasion, most minority groups lack jobs and income and live below the poverty line.¹⁰ As noted by DFAT, underrepresentation of religious minorities in government and public sector jobs, particularly at the local level, 'tends to limit' their access 'to government-provided economic opportunities.'¹¹

1.2 The state of access to documentation and basic rights

1.2.1 The state of ethnoreligious minority groups' rights in Iraq (relevant legislation on identity documents, school enrolment, healthcare, education, residence, other rights)

The UN Human Rights Council reported in August 2019 that freedom of religion and belief in Iraq is guaranteed by the Constitution, the Personal Status Code, the Act governing the religious courts of the Christian and Mosaic communities, and the Act regulating the Armenian and Orthodox communities. The report noted that the Iraqi law allows '[a]ll minorities and religious communities exercise their rights in relation to marriage and personal status according to their own rituals.'¹²

The Iraqi Constitution of 2005 defines Iraq as 'a country of multiple nationalities, religions, and sects' (Art. 3) and guarantees 'the Islamic identity of the majority of the Iraqi people' and 'the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandaean Sabeans' (Art. 2). According to the Constitution, all Iraqis are equal before the law (Art. 14) and are entitled to 'equal opportunities' (Art. 16). 'Social and health security, the basic requirements for living a free and decent life' and 'suitable income and appropriate housing' are guaranteed to the

⁷ UNHCR, International Protection Considerations with Regard to People Fleeing the Republic of Iraq, May 2019, [url](#), p. 27

⁸ IOM, Understanding Ethnoreligious Groups in Iraq: Displacement and Return, February 2019, [url](#), p. 6

⁹ Denmark, DIS, and Norway, Landinfo, Northern Iraq – Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, incl. possibility to enter and access the Kurdistan Region of Iraq (KRI), Report based on interviews in Erbil and Sulaimania, November 2018, [url](#), p. 28

¹⁰ Salloum, S., Minorities in Iraq: National Legal Framework, Political Participation, and the Future of Citizenship Given the Current Changes, in: Sevdeen B. M. and Schmidinger (eds.), T Beyond ISIS: History and Future of Religious Minorities in Iraq, Transnational Press London, 2019, pp. 28-29

¹¹ Australia, DFAT Country Information Report – Iraq, 17 August 2020, [url](#), pp. 27-28

¹² UN General Assembly, Human Right Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Iraq [A/HRC/WG.6/34/IRQ/1], 22 August 2019, [url](#), p. 27



individual and family, especially children and women (Art. 30). Guaranteeing to all Iraqis the right to political rights (Art. 20), health care (Art. 31), education (Art. 34), and freedom to movement, travel and residence inside and outside the country (Art. 44), the Constitution states that ‘Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices’ (Art. 41). Furthermore, ‘the followers of all religions and sects’ have the right to practice their religious rites and manage their religious institutions (Art. 43).¹³

The Article 125 under the ‘Local Administration’ chapter states that the Constitution ‘shall guarantee the administrative, political, cultural, and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all other constituents, and this shall be regulated by law.’¹⁴ As noted by Salloum, some of the ethnoreligious groups not mentioned in the constitution were reported to ‘seek constitutional amendments’ that would mention their names: particularly Shabaks, but also Baha’i, Kaka’i, Faili Kurds, and Iraqis of African descent.¹⁵

In Iraqi Kurdistan, ‘the rights of the national components’ (Turkmens, Chaldeans, Syrians, Assyrians, and Armenians) and ‘religious and sectarian groups’ (Christians, Yezidis, Sabeans, Mandaeans, Kaka’i, Shabaks, Faili Kurds, and Zoroastrians) are secured by the Kurdistan Region Law of 2015, known as the Protection of the Rights of the Components of Iraqi Kurdistan Law.¹⁶

According to the report of the UN Human Rights Council, women of ethnoreligious minority groups have no different status from women in Iraq in general and are protected by the Iraqi government.¹⁷ As noted by the UN Committee on the Elimination of Discrimination against Women (CEDAW) in November 2019, women and girls of ethnic minority groups—particularly, Iraqi women of African descent, Yazidi, Turkmen, and Christian women—continued facing ‘discriminatory stereotypes.’ The committee noted on the underrepresentation of women of the mentioned ethnoreligious minorities in the country’s political and public life and reported that the measures taken to end discrimination against women with disabilities from ethnic, religious, and religious minorities, including those living in the Kurdistan Region of Iraq (KRI), were insufficient.¹⁸

1.2.2 The state of access to registering vital civil status events, re-obtaining lost documents, and obtaining new documents for ethnoreligious minority groups in Iraq

Many Iraqis from the areas that fell under the ISIL control lost their civil documentation during forced displacement¹⁹ and because of confiscation of the documents by ISIL²⁰ and/or other parts of the

¹³ Salloum, S., Minorities in Iraq: National Legal Framework, Political Participation, and the Future of Citizenship Given the Current Changes, in: Sevdeen B. M. and Schmidinger (eds.), *T Beyond ISIS: History and Future of Religious Minorities in Iraq*, Transnational Press London, 2019, p. 20

¹⁴ Iraq’s Constitution of 2005, n.d., [url](#)

¹⁵ Salloum, S., Minorities in Iraq: National Legal Framework, Political Participation, and the Future of Citizenship Given the Current Changes, in: Sevdeen B. M. and Schmidinger (eds.), *T Beyond ISIS: History and Future of Religious Minorities in Iraq*, Transnational Press London, 2019, p. 20

¹⁶ OHCHR, Committee on the Elimination of Racial Discrimination reviews the situation in Iraq, 30 November 2018, [url](#)

¹⁷ UN General Assembly, Human Right Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Iraq [A/HRC/WG.6/34/IRQ/1], 22 August 2019, [url](#), p. 27

¹⁸ CEDAW, Concluding observations on the seventh periodic report of Iraq [CEDAW/C/IRQ/CO/7], 12 November 2019, [url](#), pp. 6, 8, 12

¹⁹ MRG, Humanitarian challenges in Iraq’s displacement crisis, 22 December 2016, [url](#), p. 5.

²⁰ AI, *The Condemned: Women and Children Isolated, Trapped and Exploited in Iraq*, 17 April 2018, [url](#), p. 22; HRW, Iraq: School Doors Barred to Many Children, 28 August 2019, [url](#); HRW, Iraq: Not a Homecoming, June 2019, [url](#)



conflict.²¹ As noted in the joint report of the European Network on Statelessness (ENS) and Institute on Statelessness and Inclusion (ISI), numerous Iraqi families, and particularly IDPs and ‘minority groups,’ were unable to access civil registration procedures because of missing documentation to prove their identity.²²

Every Iraqi national is required to obtain a national identity card, issued by the Civil Status Affairs Directorate, in local population registration offices found in the provincial capitals and most cities.²³ The requirement to apply for an ID card in the applicant’s area of origin²⁴ might be difficult to fulfill due to threats of violence still existing in IDPs’ hometowns.²⁵ The UN Special Rapporteur on the Human Rights of Internally Displaced Persons, noted in her report in February 2020 on the intention of the Iraqi government and humanitarian partners to send ‘mobile units to a number of IDP camps.’²⁶ A local media source Kirkuk Now announced in November 2019 the opening of the first centre to issue the new type identity cards in Mosul, Ninawa governorate, citing the governor of Ninawa, who mentioned the authorities’ plan to open offices across the governorate.²⁷

The detailed information on obtaining lost documents for returnees and IDPs and the procedure for obtaining documents abroad can be found in **EASO COI report [Iraq – Key socio-economic indicators for Baghdad, Basra, and Erbil](#)**, September 2020.

While the accessed sources did not mention the obstacles in obtaining or re-obtaining the documents faced particularly by the members of ethnoreligious minority groups, IDPs and returnees in general were reported to name such issues as lack of knowledge about the legal procedures,²⁸ high transportation cost to reach government offices in their areas of origin,²⁹ particularly because of the existence of checkpoints,³⁰ complex court procedures,³¹ and high administrative fees.³²

²¹ DRC, IRC, and NRC, Paperless People of Post-Conflict Iraq, Denied rights, barred from basic and excluded from reconstruction efforts, 16 September 2019, [url](#), p. 5

²² ENS and ISI, Statelessness in Iraq; Country Position Paper, November 2019, [url](#), p. 3

²³ Norway, Landinfo, Irak: Reisedokumenter og andre ID-dokumenter [Travel documents and other ID documents], 11 April 2018, [url](#), pp. 4, 20

²⁴ Norway, Landinfo, Irak: Reisedokumenter og andre ID-dokumenter [Travel documents and other ID documents], 11 April 2018, [url](#), p. 20; UNAMI, and UNOCHR The Right to Education in Iraq, Part One: The legacy of ISIL territorial control and access to education, February 2020, [url](#), p. 12; OHCHR, End of Mission Statement by the United Nations Special Rapporteur on the human rights of internally displaced persons, Ms. Cecilia Jimenez-Damary, upon conclusion of her official visit to Iraq – 15 to 23 February 2020, 27 February 2020, [url](#); OXFAM, Protection landscapes in Diyala and Kirkuk, Iraq, 5 March 2020, [url](#), p. 16

²⁵ UNAMI and OHCHR, The Right to Education in Iraq: Part One: the legacy of ISIL territorial control on access to education, February 2020, [url](#), p. 12

²⁶ OHCHR, End of Mission Statement by the United Nations Special Rapporteur on the human rights of internally displaced persons, Ms. Cecilia Jimenez-Damary, upon conclusion of her official visit to Iraq – 15 to 23 February 2020, 27 February 2020, [url](#)

²⁷ Kirkuk Now, البطاقة الوطنية الموحدة تدخل حيز التنفيذ في نينوى للمرة الأولى [Unified National Card Enters into Force in Ninawa for the First Time], 1 November 2019, [url](#)

²⁸ UNHCR, Iraq – UNHCR Civil Documentation for IDPs, December 2019, [url](#), p. 1

²⁹ ENS and ISI, Statelessness in Iraq, Country Position Paper, November 2019, [url](#), p. 10; UNHCR, Iraq – UNHCR Civil Documentation for IDPs, December 2019, [url](#), p. 1; Denmark, DIS, and Norway, Landinfo, Northern Iraq – Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, incl. possibility to enter and access the Kurdistan Region of Iraq (KRI), Report based on interviews in Erbil and Sulaimania, November 2018, [url](#), p. 28

³⁰ Denmark, DIS, and Norway, Landinfo, Northern Iraq – Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, incl. possibility to enter and access the Kurdistan Region of Iraq (KRI), Report based on interviews in Erbil and Sulaimania, November 2018, [url](#), p. 31

³¹ UNHCR, Iraq – UNHCR Civil Documentation for IDPs, December 2019, [url](#), p. 1

³² ENS and ISI, Statelessness in Iraq; Country Position Paper, November 2019, [url](#), p. 10



In its report on Yazidi child survivors, Amnesty International (AI) noted that Yazidi adults and children often lost civil documents ‘when they fled their homes or in the course of their abduction by IS.’ Additionally, some child survivors reported lacking the civil documentation ‘because they were born shortly before they were forced to flee and their parents had not yet obtained their documentation, or because they were born during captivity.’ Overall, almost all of the Yazidi child survivors interviewed by AI indicated that they had to obtain replacement or update documents upon the return from captivity. According to AI, caregivers for Yazidi child survivors ‘are often obligated to pay exorbitant costs, endure months or years of delay and travel to areas of origin perceived to be unsafe in order to obtain new or replacement civil identity documents.’ Moreover, the organisation noted that ‘many humanitarian workers as well as caregivers described significant barriers’ faced by Yazidis in accessing civil documentation, despite the assistance of government offices and NGOs.³³

1.2.3 The state of access to health, education, residence, and other services

The national identity card and other state-issued civil documents³⁴, i.e. the Public Distribution System (PDS) card, nationality card, housing card,³⁵ passport, and certificates of birth, death, and marriage³⁶, are required to access the rights stipulated by the law, e.g. healthcare, education, and freedom of movement within the country,³⁷ the state justice system, and social welfare.³⁸ ‘Having a legal identity also enables access to humanitarian assistance for displaced persons as well as family pensions and welfare.’³⁹

The lack of civil documentation prevents a person from exercising these basic rights as well as from the access to government-led social protection programs,⁴⁰ e.g., the PDS.⁴¹ Persons lacking documentation were reported to have ‘limited access to formal employment, government schemes for compensation for damaged housing, and opportunities to own or rent property’⁴² and face a risk of arrest and detention.⁴³ As stated by UNOCHA, ‘[w]ithout civil documentation, populations cannot access basic services or HLP [housing, land, and property] rights, and children without documentation are denied access to education in various parts of the country.’⁴⁴

³³ AI, Legacy of Terror: The Plight of Yazidi Child Survivors of ISIS, 30 July 2020, [url](#), pp. 33-34, 51

³⁴ NRC, Barriers from birth: Undocumented children in Iraq sentenced to a life on the margins, 30 April 2019, [url](#), p.11

³⁵ DRC, IRC, and NRC, Paperless People of Post-Conflict Iraq, Denied rights, barred from basic and excluded from reconstruction efforts, 16 September 2019, [url](#), p. 11

³⁶ AI, Legacy of Terror: The Plight of Yazidi Child Survivors of ISIS, 30 July 2020, [url](#), p. 51

³⁷ DRC, IRC and NRC, Paperless People of Post-Conflict Iraq, Denied rights, barred from basic and excluded from reconstruction efforts, 16 September 2019, [url](#), p. 11; UNHCR, Iraq – UNHCR Civil Documentation for IDPs, December 2019, [url](#), p. 1

³⁸ DRC, IRC, and NRC, Paperless People of Post-Conflict Iraq, Denied rights, barred from basic and excluded from reconstruction efforts, 16 September 2019, [url](#), pp. 5-6

³⁹ AI, Legacy of Terror: The Plight of Yazidi Child Survivors of ISIS, 30 July 2020, [url](#), p. 51

⁴⁰ DRC, IRC, and NRC, Paperless People of Post-Conflict Iraq, Denied rights, barred from basic and excluded from reconstruction efforts, 16 September 2019, [url](#), p. 11

⁴¹ UNOCHA (United Nations Office for the Coordination of Humanitarian Affairs), Humanitarian Needs Overview – Iraq, November 2019, [url](#), p. 21

⁴² DRC, IRC, and NRC, Paperless People of Post-Conflict Iraq, Denied rights, barred from basic and excluded from reconstruction efforts, 16 September 2019, [url](#), p. 6

⁴³ UNHCR, Iraq – UNHCR Civil Documentation for IDPs, December 2019, [url](#), p. 1

⁴⁴ UNOCHA (United Nations Office for the Coordination of Humanitarian Affairs), Humanitarian Needs Overview – Iraq, November 2019, [url](#), p. 21



The decrease of chances to restore HLP rights because of the loss of civil and property documents during the forced displacement was reported to be faced by the members of the Yazidi community.⁴⁵ The MERI 2020 study found that the lack of HLP documentation was mentioned by IDPs as one of the main barriers to return in the districts of Sinjar, Tal Aftar, and Tal Keif.⁴⁶

In the KRI, the sources interviewed by DIS and Landinfo in April 2018 noted that such ethnic minorities as Yazidis, Shabaks, and Christians, who come from the areas outside the KRI, would have no issues with acquiring a residence permit in the region.⁴⁷ In its report for 2019, the United States Department of State (USDOS) noted that people who did not identify themselves as Kurdish faced in the KRI challenges in obtaining a residency card of a driver's license.⁴⁸ While some of the sources interviewed by DIS and Landinfo mentioned that Christians and Turkmen might be requested to have a sponsorship to apply for a residence permit in the KRI, an international NGO operating in the region stated that no sponsorship was requested in Erbil since 2016 and that 'Kurds and Christians never need a sponsorship in order to stay in Erbil, nor will they be asked to apply for a residence permit.'⁴⁹

IDPs in the cities of Erbil and Dahuk were reported not to be required to show their documents to access public health care; however, the patients requiring surgery had to have their KRI residence permit and UNHCR form.⁵⁰

1.2.4 Enrolment of children in school

The directives of the Ministry of Education (MoE) stipulate that several types of civil documentation, including ID cards of the student and his or her parents, are required for the enrolment.⁵¹ Children from previously ISIL-held areas were reported to face difficulties in school enrolment due to missing required civil documentation, while obtaining the documents from the authorities was reported to be difficult.⁵²

CEDAW noted that 'minority and rural women and girls, women and girls with disabilities and women and girls who lived under ISIL occupation have extremely limited access to education.'⁵³

Non-Muslim students are not required to follow Islam instruction classes compulsory in public schools, however, as noted by DFAT, there was pressure reported by some non-Muslim students to attend

⁴⁵ Salih, S.Y and Qadr, K.M., How the Deprivation of Land Ownership Makes Minority Groups more Vulnerable: An Examination of the Case of Yazidis in Iraq, Friedrich Ebert Stiftung, [url](#), p. 116

⁴⁶ MERI, Ninewa Plains and Western Ninewa, Barriers to Return and Community Resilience, A Meta-analysis of Existing Studies and Literature, 7 May 2020, [url](#), pp. 31, 33, 36

⁴⁷ Denmark, DIS, and Norway, Landinfo, Northern Iraq – Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, incl. possibility to enter and access the Kurdistan Region of Iraq (KRI), Report based on interviews in Erbil and Sulaimania, November 2018, [url](#), p. 39

⁴⁸ USDOS, 2019 Report on International Religious Freedom: Iraq, 10 June 2020, [url](#), p. 13

⁴⁹ Denmark, DIS, and Norway, Landinfo, Northern Iraq – Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, incl. possibility to enter and access the Kurdistan Region of Iraq (KRI), Report based on interviews in Erbil and Sulaimania, November 2018, [url](#), pp. 37-38

⁵⁰ DSP, Far from Home: Future Prospects for Syrian Refugees in Iraq, January 2019, [url](#), p. 24

⁵¹ UNAMI and UNHCHR, The Right to Education in Iraq, Part One: The legacy of ISIL territorial control and access to education, February 2020, [url](#), p. 11

⁵² HRW, Iraq: School Doors Barred to Many Children, 28 August 2019, [url](#); UN General Assembly, Human Right Council, Visit to Iraq, Report of the Special Rapporteur on the human rights of internally displaced persons [A/HRC/44/41/Add.1], 13 May 2020, [url](#), p. 10

⁵³ CEDAW, Concluding observations on the seventh periodic report of Iraq [CEDAW/C/IRQ/CO/7], 12 November 2019, [url](#), p. 9



these classes from teachers and classmates. Christian religious education was reported to be included 'in the curricula of at least 150 public schools' in Baghdad, Ninawa, and Kirkuk.⁵⁴

2. Stateless persons

According to UNHCR, there were 47 515 stateless persons in Iraq, as of April 2019.⁵⁵ However, as noted by DFAT, the real figures might be higher than the UNHCR estimate. Stateless people of Iraq comprise 'historically undocumented minorities,' i.e. Bidoon, Faili Kurds, and Dom (Roma),⁵⁶ Palestinian refugees,⁵⁷ and children whose fathers were ISIL members.⁵⁸ In the joint report on statelessness in Iraq, ENS and ISI noted on 'a wide range of potential protection risks associated with statelessness.' The risk of statelessness is believed to decrease with the acquirement of civil documentation, which allows a person to access basic services.⁵⁹

This query response comprises only the communities, for which the information relevant to the reference period (1 January 2019 – 31 August 2020) was found.

2.1 Palestinians

As of March 2019, 8 119 Palestinian refugees were registered with UNHCR in Iraq,⁶⁰ compared to 40 000 Palestinians living in Iraq in 2003.⁶¹ According to UNHCR, around 6 282 Palestinians resided in Baghdad, 869 in Mosul, and around 760 in the KRI, mostly in Erbil governorate.⁶² As stated by a representative of the Palestinian Embassy in Bagdad in a telephone interview with Lifos and Landinfo in August 2018, 6 000 – 7 000 Palestinians resided in the districts of Baladiyat and Zafarania in Baghdad, while 1 500 Palestinians lived near Mosul city.⁶³ In March 2020, the Middle East Monitor noted that the number of Palestinians left in Iraq was less than 4 000.⁶⁴

The Law No. 76 of 2017 (Law on the Residence of Foreigners⁶⁵) classified the Palestinian refugees residing in Iraq as foreigners, 'rescinding earlier legislation that had stipulated they should receive the same rights and privileges as Iraqi citizens' and ending Palestinians' permanent residency status in Iraq. According to DFAT, the current legal status of Palestinians in Iraq is unclear, as some 'observers report the Ministry of Foreign Affairs has granted some Palestinians a one-month residency, and others a permit for two to three months.' As noted by DFAT, the change in the legal status caused deterioration in the economic situation of Palestinians: doctors, engineers, and teachers of Palestinian origin were reported to be unable to join Iraqi trade unions, which prevents them from practicing their

⁵⁴ Australia, DFAT Country Information Report – Iraq, 17 August 2020, [url](#), p. 27

⁵⁵ UNHCR, Fact Sheet – Iraq, April 2019, [url](#), p. 1

⁵⁶ Australia, DFAT Country Information Report – Iraq, 17 August 2020, [url](#), p. 12

⁵⁷ ENS and ISI, Statelessness in Iraq; Country Position Paper, November 2019, [url](#), p. 3

⁵⁸ Australia, DFAT Country Information Report – Iraq, 17 August 2020, [url](#), p. 12

⁵⁹ ENS and ISI, Statelessness in Iraq; Country Position Paper, November 2019, [url](#), p. 3

⁶⁰ UNHCR, International Protection Considerations with Regard to People Fleeing the Republic of Iraq, May 2019, [url](#), p. 109

⁶¹ New Arab (The), The Iraq Report: Palestinian refugees want out as Iraq moves closer to Iran, 1 February 2019, [url](#)

⁶² UNHCR, International Protection Considerations with Regard to People Fleeing the Republic of Iraq, May 2019, [url](#), p. 109

⁶³ Sweden, Migrationsverket – Swedish Migration Agency: Lifosrapport: Palestinier i Mellanöstern - uppehållsrätt och document [informal translation: Palestinians in the Middle East – Rights to residence and documentation], 15 October 2019, [url](#), pp. 85-86

⁶⁴ Middle East Monitor, A blow to the Palestinians in Iraq, 6 March 2020, [url](#)

⁶⁵ Iraq, Law on the Residence of Foreigners (2017), 2 October 2017, [url](#)



professions, and those who seek employment in the private sector to face ‘considerable bureaucratic obstacles.’⁶⁶

The Middle East Monitor reported that ‘[t]he most severe measure was to deny the Palestinians the right to receive basic foodstuffs at a subsidised price, or what is known in Iraq as the ration [the Public Distribution System (PDS)], and also to deny them free education, work in the government sector, and pension rights.’⁶⁷ Similarly, DFAT reported that the new status deprived Palestinians of the right to free healthcare and, moreover, limited their freedom of movement as most of them have only refugee travel documents.⁶⁸

In February 2020, Al-Monitor reported that Iraqi Palestinians joined other Iraqis in demonstrations at Tahrir Square to protect their rights as refugees.⁶⁹ In March 2020, the Middle East Monitor reported on the UNHCR decision to stop housing aid to about 300 Palestinian families, ‘on which they relied to pay their rent’.⁷⁰

2.2 Bidoon

According to USDOS report for 2018, the latest data on size of the Bidoon community in Iraq (2006) estimated their number at 54 000. The Bidoon inhabit the desert areas in or near the governorates of Basra, Dhi Qar, and Qadisiyah in the southern Iraq and pursue a nomadic way of life. As noted by USDOS in March 2019, there were reports that some members of the community moved to city centres due to drought conditions in the south of the country and were largely able to obtain civil documentation, food rations, and social benefits.⁷¹

2.3 Faili Kurds

There are no current figures on the population of Faili (Feyli) Kurds in Iraq. Minority Rights Group (MRG) gives an estimated number of 1.5 million Faili Kurds living in Iraq, mainly in Baghdad, the eastern parts of the governorates of Diyala, Wasit, Misan, and Basra, and in the KRI.⁷²

In August 2019, a committee was established by the Secretariat of the Council of Ministers to ensure the restoration of the Faili Kurds’ rights, including compensation for the properties they lost.⁷³ The UN Human Rights Council reported in August 2019 that the Iraqi Ministry of the Interior was ‘seeking to restore the nationality rights and legal status’ of the Faili Kurds. According to the report, the ministry was ‘similarly engaged in removing all annotations, such as “frozen”, “blacklisted”, “cancelled”, “abrogated” or “exiled”, from their personal records.’⁷⁴

In August 2020, DFAT reported that Faili Kurds were lacking nationality documents, which prevented them from accessing public services, i.e. education and health care, and that they were unable to obtain birth, death, and marriage certificates. According to DFAT, identity cards, which some Faili

⁶⁶ Australia, DFAT Country Information Report – Iraq, 17 August 2020, [url](#), p. 2

⁶⁷ Middle East Monitor, A blow to the Palestinians in Iraq, 6 March 2020, [url](#)

⁶⁸ Australia, DFAT Country Information Report – Iraq, 17 August 2020, [url](#), p. 22

⁶⁹ Al-Monitor, Palestinians in Iraq protesting to have their rights restored, 28 February 2020, [url](#)

⁷⁰ Middle East Monitor, A blow to the Palestinians in Iraq, 6 March 2020, [url](#)

⁷¹ USDOS, Human Rights Report – Iraq 2018, 13 March 2019, [url](#), p. 40

⁷² MRG, Faili kurds, n.d., [url](#)

⁷³ OHCHR, United Nations Human Rights Report 2019, 5 June 2020, [url](#), p. 373

⁷⁴ UN General Assembly, Human Right Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Iraq [A/HRC/WG.6/34/IRQ/1], 22 August 2019, [url](#), p. 12



Kurds were able to obtain, 'are of a different colour than those of other Iraqis, or show them as citizens of 'Iranian origin.' Furthermore, 'Faili Kurd files and records' were reported to 'still being kept in the foreigners' section of the General Nationality Directorate.' DFAT noted that there were reports of 'facing insults, harassment and humiliation when visiting government offices' by some members of the Faili Kurds' community.⁷⁵

2.4 Roma (Dom)

The Roma, often referred as 'Kawliyah', live mostly in southern Iraq and are reported facing widespread discrimination,⁷⁶ poverty⁷⁷, and difficulties in accessing employment, education, health care, and housing.⁷⁸

In March 2019, the Iraqi government started issuing ID cards—required to access education, health care, and other basic services—to the members of the community.⁷⁹ A local media source Basnews reported that ID cards issued to the Roma would not include the word 'exception,' which, according to the head of Human Rights Commission in Diyala governorate, cited by the source, was an obstacle for them when searching for employment in government and private sector.⁸⁰

2.5 Undocumented children

Children born in the areas held by ISIL and/or from fathers perceived as ISIL members—including Yezidi children born from sexual violence⁸¹—are reported to face stigmatisation and lack access to civil documentation, which deprives them from health care, social welfare programs, and education⁸² and makes them predisposed to the 'stateless' status.⁸³ In May 2020, the UN Special Reporter noted on 'a special administrative process to facilitate the registration of children born out of rape through the deployment of mobile teams,' launched by the Iraqi authorities.⁸⁴

For further details, see **EASO report on the Treatment of Iraqis with Perceived Affiliation to ISIL**, expected to be published in October 2020.

⁷⁵ Australia, DFAT Country Information Report – Iraq, 17 August 2020, [url](#), p. 23

⁷⁶ UN Human Rights Council, Report of the Special Rapporteur on minority issues on her mission to Iraq, A/HRC/34/53/Add.1, 9 January 2017, [url](#), p. 13; New Arab (The), Iraq's persecuted 'gypsy' community granted national ID cards, 3 April 2019, [url](#)

⁷⁷ UN Human Rights Council, Report of the Special Rapporteur on minority issues on her mission to Iraq, A/HRC/34/53/Add.1, 9 January 2017, [url](#), p. 13; CERD, Concluding observations on the combined twenty-second to twenty-fifths periodic reports of Iraq [CERD/C/IRQ/CO/22-25], 11 January 2019, [url](#), p. 6

⁷⁸ CERD, Concluding observations on the combined twenty-second to twenty-fifths periodic reports of Iraq [CERD/C/IRQ/CO/22-25], 11 January 2019, [url](#), p. 6

⁷⁹ OHCHR, United Nations Human Rights Report 2019, 5 June 2020, [url](#), p. 373

⁸⁰ Basnews, No Discriminatory Note on New Iraqi National ID Card for Gypsies, 15 July 2019, [url](#)

⁸¹ USDOS, 2019 Report on International Religious Freedom: Iraq, 10 June 2020, [url](#), p. 11; AI, Legacy of Terror: The Plight of Yezidi Child Survivors of ISIS, 30 July 2020, [url](#), p. 51

⁸² NRC, Barriers from birth: Undocumented children in Iraq sentenced to a life on the margins, 30 April 2019, [url](#), pp. 3, 11-14

⁸³ AI, Legacy of Terror: The Plight of Yezidi Child Survivors of ISIS, 30 July 2020, [url](#), p. 51

⁸⁴ UN General Assembly, Human Rights Council, Visit to Iraq, Report of the Special Rapporteur on the human rights of internally displaced persons [A/HRC/44/41/Add.1], 13 May 2020, [url](#), p. 10



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