



COI QUERY

Country of Origin	IRAQ
Main subject	<u>Care system for orphaned children in the Kurdistan Region of Iraq (KRI)</u>
Question(s)	<ol style="list-style-type: none">1. <u>Care system for orphaned children in the KRI by government institutions and NGOs</u>2. <u>Situation of IDPs and returned unaccompanied minors in the KRI</u>
Date of completion	11 November 2021
Query Code	Q41-2021
Contributing EU+ COI units (if applicable)	N/A

Disclaimer

This response to a COI query has been elaborated according to the [EASO COI Report Methodology](#) and [EASO Writing and Referencing Guide](#).

The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.

The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 11 November 2021. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE - Iraq

Care system for orphaned children in the Kurdistan Region of Iraq (KRI)

1. Care system for orphaned children in the KRI by government institutions and NGOs

Information on the care system for orphaned children in the Kurdistan Region of Iraq (KRI) by government institutions, support network and NGOs between 2020-2021, was scarce among the sources consulted by EASO within time constraints. However, the following information may be relevant.

Government Institutions

According to a 2005 research paper, the institutional state-run care system for orphaned children has been established in the KRI since the 1950s, in the context of the formation by the Iraqi government of an orphan care system. Any orphaned child can be admitted in state-run orphanages under the condition that there is an available place and that the caregiver applies for admission. The same source reported that:

‘traditional foster care in the Kurdish society is defined as a voluntary care of any orphaned child within a usual family either among the relatives, which is the most common type, or a non-relative family in the region. It is based on the traditional authoritative family system in Kurdistan that allows the orphaned child to be integrated in the foster family’.¹

According to a report submitted by the government of Iraq to the United Nations Human Rights Council (UNHRC) in 2019

‘In Kurdistan Region, national laws and policies have been drafted to protect children’s rights, and the Child Protection Committee has begun to operate. A number of institutions under the Ministry of Labour and Social Affairs also have responsibilities in this area, such as the State-run homes for adolescents, which provide shelter for child beggars, and the autism centre, which provides education as well as physical and mental rehabilitation for children with special needs’.²

Although no specific data on the number of orphans in the KRI could be found, it has been reported that the ISIS attacks on Yezidi communities left 2 745 children as orphans.³ In 2019, Juveen, an orphanage with capacity of 30 residents, was set up in the town of Sharia in Dohuk province to accommodate Yezidi children whose parents were killed by Islamic State.⁴

On 14 June 2021, Mayson al-Sa’adi, head of the Parliamentary Committee on Women, Family, and Childhood in Iraq informed ‘that the draft law on the protection of children issued by the Ministry of

¹ A. Ahmad et al., A 2-year follow-up of orphans’ competence, socioemotional problems and post-traumatic stress symptoms in traditional foster care and orphanages in Iraqi Kurdistan, 16 February 2005, [url](#)

² UNHRC, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 [A/HRC/WG.6/34/IRQ/1], 22 August 2021, [url](#), para. 199

³ USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#); RUDAW, Yezidi children held by ISIS return from Turkey with KRG delegation, 4 September 2020, [url](#)

⁴ RUDAW, Duhok orphanage shelters Yezidi children orphaned by ISIS, 29 August 2019, [url](#)

Labour and Social Affairs reached the State Council and then to the Council of Ministers, and it was voted on.’ She further added that the new draft includes a special article to change the term ‘foundling child’ and use a legal term that preserves the rights of the child.⁵

Additional information on the situation of orphans in Iraq can be found in the EASO COI report on [Iraq - Key socio-economic indicators \(February 2019\)](#).

Non-Governmental Organisations (NGOs)

The STEP, a child protection charity working alongside young people and their families in KRI, reported that in 2015 it signed a memorandum of understanding with the Minister of Labour and Social Affairs to pilot foster care in our location. Following this, the Ministry established a Foster Family Unit and appointed government employed social workers and administration staff.⁶

On 11 June 2020, the United Nations International Children's Emergency Fund (UNICEF) in Iraq, announced that, in collaboration with the Iraqi government, it was working on a monitoring system for child labour, especially among the most vulnerable children such as refugees and the internally displaced, the differently abled, poor children and orphans and that this project would focus on the governorates of Ninewa and Dohuk ‘where the number of refugee and displaced children is notably high’.⁷

The Barzani Charity Foundation, a non-governmental organisation based in Erbil, through its project ‘Care for the Precious Ones’ delivered more than 13 million USD in financial aid during the month of Ramadan (April- May 2021) to more than 15,000 orphaned children throughout the Kurdistan Region.⁸ The Polish Charity STOWARZYSZENIE SOLIDARNOSCI GLOBALNEJ in collaboration with the BCF provided cash assistance for orphans on 19 July 2021, in Erbil the capital of the Kurdistan Region of Iraq.⁹

Kurdistan Save the Children/Kurdistan Children’s Fund (KSC/KCF) have run a Distant Sponsorship program since 1991, providing support to orphans, children from one-parent families and children whose fathers are disabled to the extent that they cannot work. The money the children receive from their sponsors goes to support their basic needs of clothes, food and hygienics, as well as pay for their education.¹⁰

2. Situation of IDPs and returned unaccompanied minors in the KRI

Information regarding the situation of orphaned children returning to the KRI was scarce among the sources consulted by EASO within time constraints. However, the following information may be relevant.

According to Article 44 of the 2005 Iraqi Constitution ‘First: Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq. Second: No Iraqi may be exiled, displaced, or deprived from returning to the homeland.’¹¹ Moreover, according to section 6.9 of the 2008 Iraqi National Policy on Displacement, internally displaced people have ‘the right to return and rehabilitate

⁵ North Press Agency, Iraqi Parliament to enact law to protect abandoned newborns, 16 June 2021, [url](#)

⁶ STEP, Foster Care, n.d., [url](#)

⁷ UNICEF, Joint Statement by the ILO and UNICEF on World Day Against Child Labour in Iraq, 11 June 2021, [url](#)

⁸ Kurdistan Regional Government (GOV.KRD), Prime Minister Masrour Barzani delivers Eid al-Fitr message to orphaned children, 12 May 2021, [url](#)

⁹ BFC, A Polish Charity Sponsors Orphans in Kurdistan Region, 19 July 2021, [url](#)

¹⁰ KSC/KCF, Sponsor A Child Today, n.d., [url](#)

¹¹ Iraq, Constitution of the Republic of Iraq 2005, 15 October 2005, Art. 44 [url](#)

themselves in their places of origin or habitual residence, local integration or resettlement in other places in Iraq'.¹²In January 2020, referring to the situation of 'ISIL-affiliate juveniles', a report by the Kurdistan Regional Government stated that 'detainees less than 18 years old who were arrested for being ISIL-affiliates were treated as victims rather than criminals', while 'children who did not have parents and came to Kurdistan were treated as orphans'.¹³

According to the May 2020 report of the UN Special Rapporteur on the human rights of IDPs, referring to the situation across Iraq, 'many displaced and returnee children have lost family members and caregivers in the conflict', adding that orphans or children separated from their families 'often face social marginalization and are at a high risk of exploitation and abuse'. According to the Special Rapporteur, 'internally displaced and returnee children have acute needs, lack access to basic services and education, and have little prospect of future educational and livelihood opportunities'.¹⁴

Referring to the situation of internally displaced and returnee children who have lost their identification documents, the Special Rapporteur stated:

'Discriminatory barriers impede the access of many internally displaced and returnee children to birth certificates and other civil documents. As the presence of a child's father in court or the presentation of his death certificate is required for the issuance of a birth certificate, displaced children who have lost or have been separated from their father but do not have a death certificate, or who were born out of an act of sexual violence, are unable to obtain birth certificates and other documents. Without civil documentation, they cannot enrol in formal education, have access to health care and basic services, apply for security clearances to move around the country or exercise their rights as children.'¹⁵

Another challenge highlighted by the Special Rapporteur was the vulnerability of 'displaced children and adolescents [...] who are themselves perceived to be affiliated to ISIL'. According to the source, these children:

'are particularly vulnerable to exploitation and abuse, and are at risk of arbitrary detention. Security clearance requirements have resulted in children of families perceived as affiliated to ISIL being deprived of civil documentation and therefore of basic services. Many of these children are unaccompanied or separated from their families, and they face additional obstacles for family reunification owing to the associated stigma.'¹⁶

The Special Rapporteur further underlined that 'returnees with a perceived affiliation to ISIL often face discrimination, harassment and in some cases forced eviction and violence, including sexual and gender-based violence'.¹⁷

According to a July 2021 report by non-governmental organisation World Vision, at that time some '1.6 million (or two out of five) Iraqi returnees' were lacking 'adequate housing, economic self-sufficiency, access to basic services or safe and protective environments'. According to the source, the situation was 'disproportionately affecting children, who make up the majority of returnees, and [was] often leading to secondary displacements'.¹⁸

¹² Iraq, National Policy on Displacement, July 2008, [url](#), para. 6.9.

¹³ UNAMI/OHCHR, Human Rights in the Administration of Justice in Iraq: Trials under the anti-terrorism laws and implications for justice, accountability and social cohesion in the aftermath of ISIL, January 2021, [url](#), Annex IV: Response by the Kurdistan Regional Government to the UNAMI/OHCHR report

¹⁴ UN HRC, Report of the Special Rapporteur on the human rights of internally displaced persons, 13 May 2021, [url](#), para 43

¹⁵ UN HRC, Report of the Special Rapporteur on the human rights of internally displaced persons, 13 May 2021, [url](#), para 47

¹⁶ UN HRC, Report of the Special Rapporteur on the human rights of internally displaced persons, 13 May 2021, [url](#), para 49

¹⁷ UN HRC, Report of the Special Rapporteur on the human rights of internally displaced persons, 13 May 2021, [url](#), para 39

¹⁸ World Vision, Iraq: more than just a news headline, 22 July 2021, [url](#)

SOURCES USED

A. Ahmad et al., A 2-year follow-up of orphans' competence, socioemotional problems and post-traumatic stress symptoms in traditional foster care and orphanages in Iraqi Kurdistan, 16 February 2005, https://www.researchgate.net/publication/8016894_A_2-year_follow-up_of_orphans'_competence_socioemotional_problems_and_post-traumatic_stress_symptoms_in_traditional_foster_care_and_orphanages_in_Iraqi_Kurdistan, accessed 5 November 2021

BFC (Barzani Charity Foundation), A Polish Charity Sponsors Orphans in Kurdistan Region, 19 July 2021, <https://bcf.krd/news/12752/2021/>, accessed 5 November 2021

Iraq, Constitution of the Republic of Iraq 2005, 15 October 2005, <https://www.refworld.org/docid/454f50804.html>, accessed 9 November 2021

Iraq, National Policy on Displacement, July 2008, <http://www.refworld.org/docid/5a26b2264.html>, accessed 9 November 2021

KSC/KCF (Kurdistan Save the Children/Kurdistan Children's Fund), Sponsor A Child Today, n.d., <https://sara8339.wixsite.com/ksc-kcf/sponsor-a-child>, accessed 9 November 2021

Kurdistan Regional Government (GOV.KRD), Prime Minister Masrour Barzani delivers Eid al-Fitr message to orphaned children, 12 May 2021, <https://gov.krd/english/government/the-prime-minister/activities/posts/2021/may/prime-minister-masrour-barzani-delivers-eid-al-fitr-message-to-orphaned-children/>, accessed 5 November 2021

North Press Agency, Iraqi Parliament to enact law to protect abandoned newborns, 16 June 2021, <https://npasyria.com/en/60981/>, accessed 9 November 2021

RUDAW, Duhok orphanage shelters Yezidi children orphaned by ISIS, 29 August 2019, <https://www.rudaw.net/english/kurdistan/290820191>, accessed 9 November 2021

RUDAW, Yezidi children held by ISIS return from Turkey with KRG delegation, 4 September 2020, <https://www.rudaw.net/english/middleeast/turkey/040920202>, 5 November 2021

STEP- United Kingdom, Foster Care, n.d., <http://www.step-uk.com/uk/projects/fc.php>, accessed 5 November 2021

UNAMI/OHCHR (United Nations Assistance Mission for Iraq/ United Nations High Commissioner for Human Rights), Human Rights in the Administration of Justice in Iraq: Trials under the anti-terrorism laws and implications for justice, accountability and social cohesion in the aftermath of ISIL, January 2021, https://www.ecoi.net/en/file/local/2025174/Iraq_-_ISIL_trials_under_the_anti-terrorism_laws_and_the_implications_for_justice_28012020.pdf, accessed 9 November 2021

UNHRC (United Nations Human Rights Council) , Report of the Special Rapporteur on the human rights of internally displaced persons, 13 May 2021, <https://undocs.org/A/HRC/44/41/Add.1>, accessed 9 November 2021

UNHRC (United Nations Human Rights Council), National report submitted in accordance with

paragraph 5 of the annex to Human Rights Council resolution 16/21 [A/HRC/WG.6/34/IRQ/1], 22 August 2021, https://www.ecoi.net/en/file/local/2018881/A_HRC_WG.6_34_IRQ_1_E.pdf, accessed 5 November 2021

UNICEF (United Nations International Children's Emergency Fund), Joint Statement by the ILO and UNICEF on World Day Against Child Labour in Iraq, 11 June 2021, <https://www.unicef.org/iraq/press-releases/joint-statement-ilo-and-unicef-world-day-against-child-labour-iraq>, 7 November 2021

USDOS (US Department of State), 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/iraq/>, accessed 5 November 2021

World Vision, Iraq: more than just a news headline, 22 July 2021, <https://www.wvi.org/stories/coronavirus-health-crisis/iraq-more-just-news-headline>, accessed 9 November 2021

SOURCES CONSULTED

A. Q. Meften, Societal Challenges for Iraq's Lived Reality: Policy Perspectives, July 2020, <http://library.fes.de/pdf-files/bueros/amman/16593.pdf>, accessed 9 November 2021

ACAPS, Education in Iraq: Impact of COVID-19, protests, and pre-existing crises on need, November 2020, https://www.acaps.org/sites/acaps/files/products/files/20201109_acaps_thematic_report_on_education_in_iraq.pdf, accessed 4 November 2021

ACCORD (Austrian Centre for Country of Origin and Asylum Research and Documentation), Anfragebeantwortung zum Irak: Provinz Salah Al-Din, insbesondere Samarra: Rückkehrlage (Einreise- und Niederlassungsmöglichkeiten, Zugang zu Wohnraum, Zugang zu staatlichen Dienstleistungen und Gesundheitsleistungen, Zugang zum Arbeitsmarkt (geschätzte Arbeitslosigkeit, geschätzte Armutsquote)) [a-11649-2], 10 September 2021, <https://www.ecoi.net/en/document/2060263.html>, accessed 9 November 2021

AI (Amnesty International), Iraq: Legacy of Terror: The Plight of Yazidi Child Survivors of ISIS, 30 July 2020, <https://www.amnesty.org/en/wp-content/uploads/2021/05/MDE1427592020ENGLISH.pdf>, accessed 9 November 2021

Council of Europe Steering Committee For The Rights Of The Child (CDENF), 1 St Thematic Exchange On Addressing Welfare And Child Protection Challenges Related To Child Returnees, 16-18 November 2020, <https://rm.coe.int/cdenf-bu-2021-02-cdenf-thematic-exchange-child-returnees/1680a13b59>, accessed 9 November 2021

FES (Friedrich-Ebert-Stiftung), Societal Challenges for Iraq's Lived Reality: Policy Perspectives, July 2020, <http://library.fes.de/pdf-files/bueros/amman/16593.pdf>, accessed 7 November 2021

Humanitarian Outcomes, Humanitarian Access SCORE Report: Iraq; Survey on the Coverage, Operational Reach, and Effectiveness of Humanitarian Aid, July 2021, <https://reliefweb.int/report/iraq/humanitarian-access-score-report-iraq-survey-coverage-operational-reach-and>, accessed 5 November 2021

Humanitarian Relief Foundation UK, Iraq Crisis, n.d., <https://www.hrf.org.uk/emergency-appeals/iraq-appeal/>, accessed 9 November 2021

Humanitarian Relief Foundation, Food aid for Iraqi orphans, 23 November 2020, <https://www.ihh.org.tr/en/news/ihhdan-irakli-yetimlere-gida-destegi>, accessed 9 November 2021

Insecurity Insight (Author), published by ReliefWeb: Protection in Danger Monthly News Brief - November 2020 , November 2020

<https://reliefweb.int/sites/reliefweb.int/files/resources/November-2020-Protection-in-Danger-Monthly-News-Brief.pdf> , accessed 5 November 2021

IOM (International Organization for Migration), Development Of A Monitoring Toolkit And Review Of Good Practices For The Sustainable Reintegration Of Child Returnees, August 2021, https://returnandreintegration.iom.int/system/files/resources/864da20d-c396-4e73-92a7-ca72af986c66/document/child_monitoring_toolkit_report_1.pdf?type=node&id=941&lang=en, accessed 9 November 2021

Iraqi Al-Amal Association, Impunity Watch, Sexual and Gender Based Violence in Iraq 2013-2018: A Mapping report, May 2020

https://reliefweb.int/sites/reliefweb.int/files/resources/ResearchReport_Mapping_SGBV_Iraq_2020_English.pdf, accessed 7 November 2021

Iraqi Children Foundation, ICF News, n.d., <https://www.iraqichildren.org/news>, accessed 9 November 2021

New Arab (The), The Iraq Report: Almost 800,000 Iraqi children orphaned, 5 April 2019, <https://english.alaraby.co.uk/analysis/iraq-report-almost-800000-iraqi-children-orphaned>, accessed 9 November 2021

Qatar Red Crescent, QRCS delivers winterization aid to vulnerable families in Iraq, 3 March 2021, <https://reliefweb.int/report/iraq/qrcs-delivers-winterization-aid-vulnerable-families-iraq-enar>, accessed 9 November 2021

REACH Initiative (Author), published by ReliefWeb: Area-Based Assessment (ABA) Telafar Gap Analysis, 9 February 2021

https://reliefweb.int/sites/reliefweb.int/files/resources/IRQ_ABA_TAL_Gap-Analysis-Presentation_FINAL.pdf , accessed 8 November 2021

Save the Children, Child Returns In Iraq: Prospects For Durable Solutions, 2019, https://resourcecentre.savethechildren.net/pdf/global_returns_annex_2_-_iraq_final.pdf/, accessed 9 November 2021

UNAMI (UN Assistance Mission for Iraq), Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020, August 2020, https://reliefweb.int/sites/reliefweb.int/files/resources/Demonstrations%20in%20Iraq_UNAMI%20OHCHR%20report_08%2027%202020.pdf, accessed 7 November 2021

UNC (University of North Carolina) Kenan-Flagler Business School, Advancing education for children displaced by war, 31 October 2021, <https://www.kenan-flagler.unc.edu/perspectives/advancing-education-for-children-displaced-by-war/>, accessed 9 November 2021

UNHCR (United Nations High Commissioner for Refugees), Returning Iraqis face dire conditions following camp closures, 27 May 2021, <https://www.unhcr.org/news/stories/2021/5/60af50ce4/returning-iraqis-face-dire-conditions-following-camp-closures.html>, accessed 9 November 2021

UNHRC (United Nations Human Rights Committee), Sixth periodic report submitted by Iraq under article 40 of the Covenant, due in 2018 : International Covenant on Civil and Political Rights, 10 October 2021, <https://digitallibrary.un.org/record/3856192>, accessed 5 November 2021

UNICEF (United Nations Children's Fund) Iraq, Latest Publications, n.d., <https://www.unicef.org/iraq/research-and-reports>, accessed 9 November 2021

UNOCHA (United Nations Office for the Coordination of Humanitarian Affairs), 2021 Humanitarian Needs Overview Iraq, February 2021, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/iraq_hno_2021_humanitarian_needs_overview_-_feb_2021.pdf, accessed 9 November 2021