

Country Guidance: Iraq



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Common analysis and guidance note

June 2022



Manuscript completed in May 2022

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Luxembourg: Publications Office of the European Union, 2022

PDF ISBN 978-92-9487-741-3 doi: 10.2847/122974 BZ-07-22-416-EN-N

HTML ISBN 978-92-9487-740-6 doi: 10.2847/7914 BZ-07-22-416-EN-Q

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Introduction

The country guidance is developed in accordance with [Article 11 of the EUAA Foundation Regulation \(EU\) No. 2021/2303](#). It represents the common assessment of the situation in the country of origin by senior policy officials from EU Member States, in accordance with current EU legislation and jurisprudence of the Court of Justice of the European Union (CJEU).

This guidance does not release Member States from the obligation to individually, objectively and impartially examine each application for international protection. Each decision should be taken on the basis of the individual circumstances of the applicant and the situation in Iraq at the moment of the decision, according to precise and up-to-date country information, obtained from various relevant sources (Article 10 of the Asylum Procedures Directive).

The analysis and guidance provided within this document are not exhaustive.

Why is country guidance developed?

The country guidance is intended as a tool for policy-makers and decision-makers in the context of the Common European Asylum System (CEAS). It aims to assist in the examination of applications for international protection by applicants from Iraq, and to foster convergence in decision practices across Member States.

On 21 April 2016, the Council of the European Union agreed on the creation of a senior-level policy network, involving all Member States and coordinated by the European Union Agency for Asylum (EUAA), with the task to carry out a joint assessment and interpretation of the situation in main countries of origin ⁽¹⁾. The network supports EU-level policy development based on common country of origin information (COI), by jointly interpreting such information in light of the relevant provisions of the asylum *acquis* and taking into account the content of the EUAA training material and practical guides where appropriate. The development of

⁽¹⁾ Council of the European Union, Outcome of the 3461st Council meeting, 21 April 2016, 8065/16, available at <http://www.consilium.europa.eu/media/22682/st08065en16.pdf>.



common analysis and guidance notes is now included as a key area in the new mandate of the EUAA and it is currently regulated under Article 11 of the EUAA Regulation ⁽²⁾.

Is this guidance binding?

The country guidance is not binding. However, in accordance with Article 11 of the EUAA Regulation, Member States have the obligation to take into account the guidance notes and common analysis when examining applications for international protection, without prejudice to their competence for deciding on individual applications.

What is the scope of this update?

The current version of the guidance updates and replaces the 'Country Guidance: Iraq' (January 2021).

This update mainly focuses on the chapters of [subsidiary protection \(Article 15\(c\) QD\)](#) and [internal protection alternative](#), as well as on the following profiles: [persons \(perceived to be\) affiliated with ISIL](#), [Sunni Arabs](#), [human rights and political opposition activists and protesters](#), [journalists and media workers](#), [\(perceived\) collaborators of Western armed forces](#), [organisations or companies](#), [individuals perceived to transgress moral codes](#), [individuals considered to have committed blasphemy and/or apostasy](#), [religious and ethnic minorities and stateless persons](#), [women](#) and [persons involved in and affected by blood feuds in the context of tribal conflict](#).

Minor changes have also been introduced in other parts of the horizontal framework of the document. These changes do not generally impact the assessment of the situation in Iraq as per the previous version of the guidance from January 2021.

Who was involved in the development of this country guidance?

This document is the result of the joint assessment by the Country Guidance Network, whose work was supported by a Drafting Team of selected national experts and by the EUAA. The European Commission and UNHCR provided valuable input in this process.

The guidance note, accompanied by the common analysis, were finalised by the Country Guidance Network in May 2022 and endorsed by the EUAA Management Board in June 2022.

What is the applicable legal framework?

⁽²⁾ Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, available at <https://eur-lex.europa.eu/eli/reg/2021/2303/oj>.



In terms of applicable legal framework, the common analysis and guidance note are based on the provisions of the [1951 Geneva Convention](#) ⁽³⁾ and of the [Qualification Directive \(QD\)](#) ⁽⁴⁾; as well as on jurisprudence of the Court of Justice of the European Union (CJEU); where appropriate, the jurisprudence of the European Court of Human Rights (ECtHR) is also taken into account.

What guidance on qualification for international protection is taken into account?

The horizontal guidance framework applied in this analysis is based primarily on the following general guidance:



These and other relevant EUAA practical tools can be found at <https://euaa.europa.eu/practical-tools-and-guides>.

⁽³⁾ United Nations General Assembly, 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

⁽⁴⁾ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

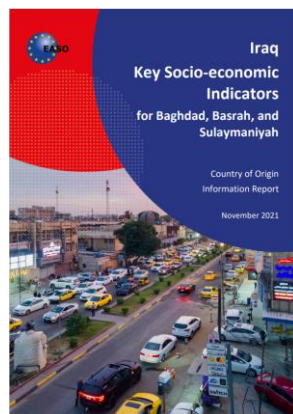


Relevant UNHCR guidelines are also taken into account ⁽⁵⁾.

What country of origin information has been used?

The EUAA Country Guidance documents should not be considered and should not be used or referenced as sources of COI. The information contained herein is based on EUAA COI reports and, in some instances, on other sources as indicated. Unlike the Country Guidance, these represent COI sources and can be referenced accordingly.

This update is mainly based on the following recent COI:



COI Report: Iraq – Key socio-economic indicators (November 2021)



COI Report: Iraq – Targeting of Individuals (January 2022)



COI Report: Iraq – Security situation (January 2022)

[Annex II. Country of origin information references](#) provides further details and links to all COI reports used as a basis for this analysis. References within this document are to the respective sections of these COI reports.

⁽⁵⁾ UNHCR Handbook and guidelines on procedures and criteria for determining refugee status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, as well as other guidance, policy documents and UNHCR ExCom and Standing Committee conclusions are available at <https://www.refworld.org/rsd.html>.



In addition, relevant country of origin information from UNHCR on access and residency requirements in Iraq ⁽⁶⁾, issued in January 2021 has been taken in consideration in the '[COI Report: Iraq – Key socio-economic indicators \(November 2021\)](#)'.

This guidance should be considered valid as long as current events and developments fall within the trends and patterns observed within the reference period of the respective COI reports. New developments that cause substantial changes and result in new trends may impact the assessment provided in the present guidance. All effort is made to update the EUAA COI reports and country guidance documents regularly and to reflect any such significant changes accordingly. Individual applications should always be assessed in light of the most up-to-date available COI.



To access EUAA COI reports, visit <https://euaa.europa.eu/country-reports>.

How does country guidance assist in the individual assessment of applications for international protection?

The guidance note and common analysis follow the steps of the examination of an individual application for international protection. This document looks into the relevant elements according to the QD and provides a general assessment of the situation in the country of origin, along with guidance on relevant individual circumstances which should be taken into account.

How is this document structured?

The country guidance is structured into guidance note and common analysis:

⁽⁶⁾ UNHCR, Iraq: Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Iraq: Ability of Persons Originating from Formerly ISIS-Held or Conflict-Affected Areas to Legally Access and Remain in Proposed Areas of Internal Relocation, January 2021, available at <https://www.refworld.org/docid/5ffc243b4.html>



The **GUIDANCE NOTE** is the first part you will find in this document. It summarises the **conclusions** of the common analysis in a light user-friendly format, providing practical guidance for the analysis of the individual case.

The **COMMON ANALYSIS** is the second, more detailed, part. It defines the relevant elements in accordance with **legislation, jurisprudence and horizontal guidance**, summarises the relevant **factual basis** according to the available COI, and **analyses the situation** in the respective country of origin accordingly.



For additional information and to access other available country guidance, see <https://euaa.europa.eu/asylum-knowledge/country-guidance>.



Guidance note: Iraq

The guidance note summarises the conclusions of the common analysis and should be read in conjunction with it.





General remarks

Last updated: June 2022

Iraq's recent history has been characterised by a series of conflicts with political, ethnic and sectarian dimensions. In 2021, Iraq was still confronted with multiple armed conflicts and internal tensions taking place in different governorates of the country.

Since its territorial defeat in 2017, ISIL shifted its modus operandi to guerrilla warfare, organising its fighters in small mobile cells and using bases in remote areas to carry out attacks against security forces, *mukhtars*, civilians and infrastructure such as power facilities.

The Iraqi government supported by the international coalition against ISIL launched a series of successful counterterrorism operations in the central governorates and Baghdad. The US military mission in Iraq ended by the end of 2021, while the US continued to provide training, logistics and advisory support.

The assassination of Qasem Soleimani, the Commander of the Quds Forces of the Revolutionary Guards Corps (IRGC-QF) and Abu Mahdi al Muhandis, the deputy of the Popular Mobilisation Forces (PMF) by the US in January 2020 triggered a wave of retaliatory attacks from various Iranian backed militias on US assets in Iraq.

Since July 2015, Turkey renewed its military operations against the Kurdistan Worker's Party (PKK) inside Iraq and launched a large-scale border offensive.


Iranian and Turkish military forces conducted attacks in the border area to target groups based in KRI, which Turkey and Iran assess to be involved in cross-border terrorism.

Since October 2019, Iraq witnessed massive protests. After a lockdown in the beginning of 2020, due to the pandemic, new protests took place in Central Iraq and the KRI.

On 10 October 2021, Iraq held parliamentary elections. The Sadrist Movement of Moqtada el Sadr won the elections while the Shia factions representing the Iran-aligned militias suffered a significant defeat.



The individual assessment of international protection needs should take into account the presence and activity of different actors in the applicant's home area and the situation in the areas the applicant would need to travel through in order to reach their home area. This country guidance is based on an assessment of the general situation in the country of origin.

 Read more in the COMMON ANALYSIS



Actors of persecution or serious harm

Last updated: January 2021

*Minor updates added: June 2022

Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat, which would qualify as serious harm ([Recital 35 QD](#)). Generally, persecution or serious harm must take the form of conduct on the part of an actor ([Article 6 QD](#)).

According to [Article 6 QD](#), actors of persecution or serious harm include:

Figure 1. Actors of persecution or serious harm.



Read more in the COMMON ANALYSIS

This section includes guidance concerning some of the main actors of persecution or serious harm in Iraq. The list is non-exhaustive.

- The **Iraqi State actors** include members of security forces and other authorities, such as provincial/local councils or other local officials, e.g. *mukhtars*. It should also be noted that the distinction between official State forces and non-State forces is not always clear. The Iraqi State authorities, in particular the Iraqi Security Forces (ISF) including the Iraqi army and the federal and local police, have been involved in committing a wide range of human rights violations, in particular within the course of fighting ISIL and after their defeat in December 2017. In the context of protests, security forces have reportedly used excessive force against protesters resulting in numerous deaths. Government agents have also reportedly targeted individuals in relation to the protest movement by means of arrests, intimidation, unlawful detention, etc.

Read more in the COMMON ANALYSIS




- In addition to the ISF, there are also other armed groups affiliated with the Iraqi State.

The **Popular Mobilisation Forces (PMF)**, also referred to as the Popular Mobilisation Units (PMU), can be considered as complex umbrella organisation consisting of many different militias, out of which the majority are Shia militias. Although PMF are legally a State institution, in practice they retain autonomous control and influence, some of them with close links to the most important political parties.


The **Tribal Mobilisation (TM)** militias are composed of fighters from Sunni tribes. The TM are generally active locally in their own places of origin. The nature of these forces is difficult to categorise because some take orders directly from Iraqi forces and local authorities, while others strongly affiliate with and respond to orders from larger PMF.

Since 2014, elements of the PMF have been engaged in unlawful killings, disappearances, extortion and revenge attacks in the course of the fighting against ISIL. PMF have also been engaged in criminal activities and other abuses against civilians. Forced displacement, evictions, arrests, looting of homes, demolition of houses, threats, sexual abuse, harassment and discrimination by PMF and local militias were also reported. In the context of protests, PMF have reportedly used excessive force against protesters resulting in numerous deaths. PMF members have also reportedly targeted individuals in relation to the protest movement by means of assassinations, abductions, beatings, intimidation, etc.

The PMF are generally considered State actors, although the State is unable to exert full control. Depending on the level of affiliation with the State in the particular case, other militias may be considered State or non-State actors.

 Read more in the COMMON ANALYSIS


- The **Kurdistan Regional Government (KRG) authorities**, such as the Peshmerga, the municipal police, and the *Asayish*, are accused of committing a wide range of human right violations such as arbitrary arrests, enforced disappearances, unlawful killings, torture and other forms of ill-treatment of ISIL-suspects, as well as retaliatory violence against Sunni Arab civilians. There were also reports of pressure and harassment by the KRG of certain ethnic minorities to declare themselves to be Kurds; as well as reports of detention of political opponents, violent suppression of demonstrations, killing of journalists and harassment of news outlets.

 Read more in the COMMON ANALYSIS


- The **Islamic State of Iraq and Levant (ISIL)** is a Salafi jihadist militant group, designated by the UN and internationally sanctioned as a terrorist organisation, whose goal is the




establishment and expansion of a caliphate. In its campaign to ‘purify’ its territory according to its *takfir* doctrines, ISIL targeted Shia, as well as ethnic and religious minorities such as Christians, Yazidi, Shabaks, Kaka’i, and Kurds. It has committed violations, such as mass casualty attacks, forced displacements, forced conversions, abductions, systematic and widespread killing of those not in conformity with their ideology, sexual violence, including sexual slavery, human trafficking, penalisation under its parallel justice system, etc.

 Read more in the COMMON ANALYSIS


- **ISIL** was declared militarily defeated in December 2017 and it has not held territory in Iraq. ISIL has been seeking to establish itself in places where conventional military operations have been challenging, such as valleys, mountains and deserts across northern and central Iraq and during the reference period (1 August 2020 – 31 October 2021) it had recorded activity in Anbar, Ninewa, Erbil, Baghdad Belts, Diyala, Kirkuk and Salah al-Din and the disputed areas.

 Read more in the COMMON ANALYSIS

- **Tribes** in Iraq are often involved in conflicts and armed with heavy weapons. Tribal transgressions can result in violence. Tribal dispute mechanisms can involve violation of human rights, such as the practice of ‘*fasliya*’ and ‘honour’ killings. It is also reported that tribes have enacted informal justice, revenge, assassinations and disappearances in tribal justice against ISIL suspects and continue to impede the return of persons perceived to have affiliation to ISIL.

 Read more in the COMMON ANALYSIS

- In specific situations, **other non-State actors** of persecution or serious harm may include the family (e.g. in the case of honour-based violence, LGBTIQ persons, FGM, domestic violence), FGM practitioners, criminal gangs, etc.

 Read more in the COMMON ANALYSIS



Refugee status: guidance on particular profiles

Preliminary remarks

Last updated: January 2021

*Minor updates added: June 2022

All elements of the definition of a refugee in accordance with the QD should be fulfilled for the qualification of the applicant as a refugee:



Article 2(d) QD Definitions

‘refugee’ means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply;

[Article 9 QD](#) outlines how ‘persecution’ should be assessed.

[Article 10 QD](#) provides further clarification on the different reasons for persecution (race, religion, nationality, political opinion, or membership of a particular social group). A link (nexus) between those reasons and the persecution or the absence of protection should be established in order for the applicant to qualify for refugee status.

Guidance on specific profiles of applicants, based on their personal characteristics or affiliations with a certain group (e.g. political, ethnic, religious), is provided below.

An individual assessment is required for every application. It should take into account the individual circumstances of the applicant and the relevant country of origin information. Factors to take into account in this assessment may include, for example:

- home area of the applicant, presence of the potential actor of persecution and their capacity to target a person of interest;
- nature of the applicant’s actions (whether they are perceived negatively and/or whether individuals engaged in such actions are seen as a priority target by the actor of persecution);
- visibility of the applicant (i.e. to what extent it is likely that the applicant is known to or could be identified by the potential actor of persecution); noting, however, that the






applicant does not need to be individually identified by the actor of persecution, as long as his or her fear of persecution is well-founded;

- resources available to the applicant to avoid persecution (e.g. relation to powerful individuals, network);
- etc.

The fact that an applicant has already been subject to persecution or to direct threats of such persecution, is a serious indication of the applicant's well-founded fear, unless there are good reasons to consider that such persecution will not be repeated ([Article 4\(4\) QD](#)).

 Read more in the COMMON ANALYSIS





Profiles

This section refers to some of the profiles of Iraqi applicants, encountered in the caseload of EU Member States. It provides general conclusions on the qualification for refugee status of the profiles and guidance regarding additional circumstances to take into account in the individual assessment. Some profiles are further split in sub-profiles, with different conclusions with regard to the risk analysis and/or nexus to a reason for persecution. The corresponding number of the profile and a link to the respective section in the common analysis are always provided for ease of reference.

The conclusions regarding each profile should be viewed without prejudice to the credibility assessment of the applicant's claims.



When reading the table below, the following should be borne in mind:

- An individual applicant could fall under **more than one profile** included in this guidance note. The protection needs associated with all such circumstances should be fully examined.
- The **risk analysis** paragraphs focus on the level of risk and some of the relevant risk-impacting circumstances. Further guidance with regard to the qualification of the acts as persecution is available within the respective sections of the common analysis.
- The table below summarises the conclusions with regard to different profiles and sub-profiles and aims at providing a practical tool to case officers. While examples are provided with regard to sub-profiles at differentiated risk and circumstances which may increase or decrease the risk, these **examples are non-exhaustive** and to be taken into account in light of all circumstances in the individual case.
- **Persons who belonged to a certain profile in the past** or **family members** of an individual falling under a certain profile may have protection needs similarly to those outlined for the respective profile. This is not explicitly mentioned in the table below, however, it should be taken into account in the individual assessment.
- The **potential nexus** paragraphs indicate a possible connection to the reasons for persecution according to [Article 10 QD](#). The common analysis sections provide further guidance whether a nexus to a reason for persecution would in general be substantiated or may be substantiated depending on the individual circumstances in the case.
- For some profiles, the connection may also be between the **absence of protection** against persecution and one or more of the reasons under [Article 10 QD \(Article 9\(3\) QD\)](#).



2.1. Persons (perceived to be) associated with ISIL

Last updated: June 2022


Risk analysis: In case of individuals with (perceived) affiliation with ISIL, in general, a well-founded fear of persecution would be substantiated, as persons perceived to be associated with ISIL are a priority target of all security actors.

For family members of individuals with (perceived) ISIL affiliation, the individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk impacting circumstances such as:

- family status (e.g. single or widowed woman, female heads of households)
- child with single or widowed mother and/or a foreign, dead or missing father
- tribal affiliation
- area of origin
- etc.

Potential nexus: (imputed) political opinion

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS

2.2. Sunni Arabs

Last updated: June 2022

Risk analysis: Being a Sunni Arab in itself would normally not lead to a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as:

- area of origin
- tribe
- age
- gender
- etc.

In case of perceived affiliation with ISIL, see 2.1 Persons (perceived to be) affiliated with ISIL.



In the case of Sunni Arabs who may be affected by the de-Baathification process, see 2.7 Former Baath party members.

Potential nexus: (imputed) political opinion (e.g. ISIL affiliation, Baath party).

In individual cases, race (ethnicity, e.g. in cases of blocked returns by KRG) and/or religion.

[→ Read more in the COMMON ANALYSIS](#)

2.3. Human rights and political opposition activists and protesters

Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- leadership role and degree of involvement in the protests
- nature of activities
- political and/or sectarian background of the individual
- gender
- visibility
- being known to the authorities (e.g. previous arrest)
- etc.

The sole fact of participating in a protest in the past may not be sufficient to establish a well-founded fear of persecution.

Potential nexus: (imputed) political opinion.

[→ Read more in the COMMON ANALYSIS](#)

2.4. Journalists and media workers

Last updated: June 2022


Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- nature of activities (topic they report on)
- political and/or sectarian background of the individual
- gender
- visibility
- being known to the authorities



- etc.

Potential nexus: (imputed) political opinion.

 Read more in the COMMON ANALYSIS

2.5. Deserters from armed forces


Last updated: January 2021

Risk analysis: The risk is considered very low. Risk-impacting circumstances could include:

- forces the applicant belonged to
- rank/position of the applicant
- situation during which the desertion occurred (e.g. during disturbances or state of emergency)
- etc.

Potential nexus: (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS

2.6. Individuals approached for recruitment by armed groups


Last updated: January 2021

Risk analysis: The risk for an individual would only be substantiated in exceptional cases. Risk-impacting circumstances could include:

- gender
- area of origin
- ethnic/religious background (e.g. Kurds for the PKK, Sunni Arabs for ISIL)
- age
- presence/influence of armed groups
- etc.

Potential nexus: While the risk of forced recruitment as such may not generally imply a nexus to a reason for persecution, the consequences of refusal, could, depending on individual circumstances, substantiate such a nexus, among other reasons, to (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS



2.7. Former Baath party members

Last updated: January 2021


Risk analysis: In general, the risk of persecution for a regular Baath party member is minimal and dependent on the specific individual circumstances. Risk-impacting circumstances could include:

- supporting in public the ideology of the Baath party
- having had a high-ranking position in the party
- being a former Saddam-era military or police officer
- having served in the intelligence services during the Saddam regime
- potential (perceived) affiliation with ISIL
- etc.

See also 2.1 Persons (perceived to be) affiliated with ISIL and 2.2 Sunni Arabs.

Potential nexus: (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS

2.8. Members of the Iraqi Security Forces (ISF), Popular Mobilisation Forces (PMF), Peshmerga and local police

Last updated: January 2021


*Minor updates added: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of work and origin (proximity to areas where ISIL continues to operate)
- visibility of the applicant
- position within the organisation
- period since leaving the forces
- personal enmities
- etc.

Potential nexus: (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS



2.9. Individuals perceived to oppose ISIL


Last updated: January 2021

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of work and origin (areas where ISIL continues to operate)
- tribal affiliation and the tribe's standing vis-à-vis ISIL
- visibility of the applicant
- position within the community
- public expression of support for the government or condemnation of ISIL's actions
- personal enmities
- etc.

Since ISIL's operational capabilities have diminished significantly, the threat posed by ISIL to individuals under this profile has decreased compared to previous years.

Potential nexus: (imputed) political opinion and/or religion (e.g. when they are accused as *takfir* by ISIL).

 [Read more in the COMMON ANALYSIS](#)

2.10. (Perceived) collaborators of Western armed forces, organisations, or companies


Last updated: January 2021

*Minor updates added: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as:

- nature and period of occupation (e.g. interpreters)
- visibility of the occupation
- previous threats
- etc.

Potential nexus: (imputed) political opinion and/or religion (e.g. in the case of interpreters).

 [Read more in the COMMON ANALYSIS](#)




2.11. Humanitarian workers

Last updated: January 2021

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- gender (see also 2.16.4 Women acting in the public sphere)
- nature of activities (e.g. providing assistance to women and children associated with ISIL, see also 2.1 Persons (perceived to be) affiliated with ISIL)
- region of work/activity
- etc.

Potential nexus: (imputed) political opinion and/or religion (e.g. when they are accused as *takfir* by ISIL).


 Read more in the COMMON ANALYSIS

2.12. LGBTIQ persons

Last updated: January 2021

Risk analysis: Well-founded fear of persecution would in general be substantiated.

Potential nexus: membership of a particular social group.

 Read more in the COMMON ANALYSIS

2.13. Individuals perceived to transgress moral codes


Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- the moral and/or societal norm transgressed
- gender (the risk is higher for women)
- conservative environment
- area of origin
- perception of traditional gender roles by the family and society
- etc.

Potential nexus: religion (e.g. inter-sect/inter-ethnic marriages, as well as in individual cases of persons targeted by Shia militias), membership of a particular social group, and/or race (ethnicity).



 Read more in the COMMON ANALYSIS

2.14. Individuals considered to have committed blasphemy and/or apostasy


Last updated: June 2022

Risk analysis: Well-founded fear of persecution would in general be substantiated.

However, the risk assessment should take into account the religious or non-religious practices the applicant will engage in and whether those would expose him or her to a real risk, also taking into account his or her home region (the risk is generally lower in the KRI), family and ethnic background, gender, etc.

See also 2.15 Religious and ethnic minorities, and stateless persons.

Potential nexus: religion.

 Read more in the COMMON ANALYSIS

2.15.1. Turkmen


Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin (e.g. Shia Turkmen in areas where ISIL continues to operate)
- perceived affiliation with ISIL (especially for Sunni Turkmen)
- religion
- gender
- etc.

Potential nexus: race (ethnicity) and/or religion. In some cases, especially for Sunni Turkmen, (imputed) political opinion.

* [Exclusion](#) considerations could be relevant to this profile, in particular for Turkmen affiliated with the PKK, the PMF or ISIL.

 Read more in the COMMON ANALYSIS

2.15.2. Yazidis

Last updated: June 2022




Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin (e.g. Yazidi in areas where ISIL continues to operate)
- (lack of) identity documents
- gender
- etc.

Potential nexus: religion, race and/or nationality.

* [Exclusion](#) considerations could be relevant to this profile, in particular in the case of members of Yazidi militia.

 [Read more in the COMMON ANALYSIS](#)


2.15.3. Christians

Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin (e.g. Christians in areas where ISIL continues to operate are at a higher risk, risk is lower in KRI)
- gender
- etc.

Potential nexus: religion.

 [Read more in the COMMON ANALYSIS](#)


2.15.4. Shabak

Last updated: January 2021

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- the area of origin
- etc.

Potential nexus: race and/or religion (in relation to persecution by ISIL).

 [Read more in the COMMON ANALYSIS](#)




2.15.5. Kaka'i

Last updated: January 2021

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- the area of origin (higher risk in areas where ISIL continues to operate, lower risk in KRI)
- etc.

Potential nexus: race and/or religion.

 Read more in the COMMON ANALYSIS

2.15.6. Sabean-Mandaeans


Last updated: January 2021

*Minor updates added: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin (the risk is lower in KRI)
- language
- gender
- occupation
- etc.

Potential nexus: religion and/or race (in particular in the KRI).

 Read more in the COMMON ANALYSIS

2.15.7. Baha'i

Last updated: January 2021

*Minor updates added: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- (lack of) identity documents
- statelessness
- area of origin
- etc.

Potential nexus: religion.



[→ Read more in the COMMON ANALYSIS](#)

2.15.8. Bidoon

Last updated: January 2021

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- (lack of) identity documents
- statelessness
- area of origin
- etc.

Potential nexus: race and/or nationality (statelessness).

[→ Read more in the COMMON ANALYSIS](#)

2.15.9. Fayli Kurds

Last updated: January 2021

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- (lack of) identity documents
- statelessness
- area of origin (south of Iraq, areas where ISIL continues to operate)
- etc.

Potential nexus: race, religion and nationality (statelessness)

[→ Read more in the COMMON ANALYSIS](#)

2.15.10. Palestinians


Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of habitual residence
- (perceived) links with former regime or (Sunni) militant groups
- (lack of) identity documents
- etc.



Potential nexus: nationality (statelessness), (imputed) political opinion (perceived support for Sunni militias or ISIL, see also 2.1 Persons (perceived to be) affiliated with ISIL).

 Read more in the COMMON ANALYSIS

2.16. Women


2.16.1 Violence against women and girls: overview

Last updated: June 2022

Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to violence. Risk-impacting circumstances could include:

- perception of traditional gender roles in the family
- poor socio-economic situation
- area of origin
- influence of the tribe
- etc.

Potential nexus: membership of a particular social group (e.g. women who have been victims of sexual abuse, women who have left their violent marriage).

 Read more in the COMMON ANALYSIS


2.16.2 Forced marriage and child marriage

Last updated: June 2022

Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to forced marriage and child marriage. Risk-impacting circumstances could include:

- young age
- area of origin (particularly affecting rural areas)
- perception of traditional gender roles in the family
- poor socio-economic situation of the family
- living in IDP situation
- etc.

Potential nexus: membership of a particular social group (e.g. women who have refused to enter in a forced or child marriage).

 Read more in the COMMON ANALYSIS



2.16.3 Female genital mutilation/cutting (FGM/C)

Last updated: January 2021

Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to FGM/C. Risk-impacting circumstances could include:

- young age
- area of origin (particularly affecting KRI)
- ethnicity (particularly affecting Kurdish girls)
- religion (most common among Sunnis)
- perception of traditional gender roles in the family
- level of education
- local power/influence of the (potential) husband and his family or network
- etc.

Potential nexus: membership of a particular social group.

 Read more in the COMMON ANALYSIS

2.16.4 Women acting in the public sphere

Last updated: June 2022

Risk analysis: Not all women would face the level of risk required to establish a well-founded fear of persecution in relation to acting in the public sphere. Risk-impacting circumstances could include:

- area of origin
- conservative environment
- visibility of the applicant (e.g. nature of the work, public statements perceived negatively by the actor of persecution)
- perception of traditional gender roles by the family or network
- etc.


Potential nexus: (imputed) political opinion and/or religion, membership of a particular social group (women who work in jobs perceived as not acceptable based on traditional gender roles).

 Read more in the COMMON ANALYSIS

2.16.5 Women perceived to have transgressed moral codes


See the profile 2.13 Individuals perceived to transgress moral codes.



 [Read more in the COMMON ANALYSIS](#)

2.16.6 Women perceived to be associated with ISIL

See the profile 2.1 Persons (perceived to be) affiliated with ISIL.

 [Read more in the COMMON ANALYSIS](#)


2.16.7 Single women and female heads of households

Last updated: June 2022

Risk analysis: Not all single women and female heads of households would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- personal status
- area of origin and residence (e.g. IDP camps)
- perception of traditional gender roles in the family or community
- economic situation
- education
- etc.

Potential nexus: membership of a particular social group (e.g. divorced women or widows).

 [Read more in the COMMON ANALYSIS](#)

2.17. Children

2.17.1 Violence against children: overview


Last updated: January 2021

Risk analysis: Not all children would face the level of risk required to establish a well-founded fear of persecution in relation to violence. Risk-impacting circumstances could include:

- gender (boys and girls may face different risks)
 - perceived affiliation with ISIL (See the profile 2.1 Persons (perceived to be) affiliated with ISIL)
 - age
 - perception of traditional gender roles in the family
 - poor socio-economic situation of the child and the family
 - etc.
-



Potential nexus: (imputed) political opinion (e.g. in case of perceived link to armed groups), religion (e.g. when persecution is by extremist groups), and/or membership of a particular social group (e.g. children victims of sexual abuse).

 Read more in the COMMON ANALYSIS

2.17.2 Child marriage

See 2.16.2 Forced marriage and child marriage under the Profile 2.16 Women.

2.17.3 FGM/C

See 2.16.3 Female genital mutilation/cutting (FGM/C) under the Profile 2.16 Women.


2.17.4 Child labour and child trafficking

Last updated: January 2021

Risk analysis: Not all children would face the level of risk required to establish a well-founded fear of persecution in relation to child labour and/or child trafficking. Risk-impacting circumstances could include:

- age
- gender
- poor socio-economic status of the child and his/her family
- being in an IDP situation
- etc.

Potential nexus: The individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.

 Read more in the COMMON ANALYSIS

2.17.5 Child recruitment

Last updated: January 2021

*Minor updates added: June 2022


Risk analysis: Well-founded fear of persecution would only be substantiated in exceptional cases. Risk-impacting circumstances could include:

- gender



- area of origin, ethnic/religious background (e.g. Kurds for the PKK, Sunni Arabs for ISIL)
- age (being an adolescent)
- being an IDP
- the presence/influence of armed groups
- etc.

Potential nexus: The individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.

 [Read more in the COMMON ANALYSIS](#)


2.17.6 Education of children and girls in particular

Last updated: January 2021

Risk analysis: Not all children would face the level of risk required to establish a well-founded fear of persecution in relation to deliberate restrictions on access to education. Risk-impacting circumstances could include:

- (lack of) identification documents
- ethno-religious background
- gender (girls are at a higher risk)
- disabilities
- age
- perception of traditional gender roles in the family
- poor socio-economic situation of the child and the family
- area of origin
- etc.

Potential nexus: The individual circumstances of the child should be taken into account. For example, in the case of denied identity documentation due to belonging to a minority group, nationality and/or race may apply.

 [Read more in the COMMON ANALYSIS](#)

2.17.7 Children born under ISIL who lack civil documentation

Last updated: June 2022


Risk analysis: Not all children would face the level of risk required to establish a well-founded fear of persecution in relation to deliberate



restrictions on access to documentation. Risk-impacting circumstances could include:

- single or widow mother
- foreign, dead or missing father
- etc.

Potential nexus: membership of a particular social group

 Read more in the COMMON ANALYSIS


2.17.8 Children without a care-taker

Last updated: January 2021

Risk analysis: Not all children would face the level of risk required to establish a well-founded fear of persecution in relation to absence of a care-taker. Risk-impacting circumstances could include:

- (lack of) identification documents
- whether their parentage is known
- being born out of illicit sexual relations
- area of origin
- religion
- ethnicity
- etc.

Potential nexus: membership of a particular social group (e.g. abandoned children or children of unknown parentage).

 Read more in the COMMON ANALYSIS

2.18. Persons living with disabilities and persons with severe medical issues

Last updated: January 2021

*Minor updates added: June 2022

Risk analysis: The lack of personnel and adequate infrastructure to appropriately address the needs of individuals with (severe) medical issues fails to meet the requirement of Article 6 QD regarding the existence of an actor that inflicts persecution or serious harm, unless the individual is intentionally deprived of healthcare.


In the case of **persons living with mental and physical disabilities**, not all individuals under this profile would face the level of risk required to



establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- age
- nature and visibility of the mental or physical disability
- negative perception by the family
- etc.

Potential nexus: membership of a particular social group (e.g. persons living with noticeable mental disabilities).

 [Read more in the COMMON ANALYSIS](#)

2.19. Persons involved in and affected by blood feuds in the context of tribal conflict


Last updated: June 2022

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- intensity of the blood feud
- possibility of conflict resolution
- ethnicity and religion of the tribes
- social status of the tribes
- area of origin (area where the rule of law is weak, urban or rural area)
- etc.

Potential nexus: race (descent, referring to members of a tribe).

* [Exclusion](#) considerations could be relevant to this profile.

 [Read more in the COMMON ANALYSIS](#)

2.20. Individuals accused of ordinary crimes

Last updated: January 2021


Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin of the applicant and the prevalent justice mechanisms
 - the nature of the crime for which the applicant is prosecuted
 - the envisaged punishment
 - the applicant's gender
 - etc.
-



Potential nexus: In general, no nexus to a Convention reason for persecution. This is without prejudice to the assessment in cases where the prosecution is motivated by, initiated, or conducted on a discriminatory basis related to a Convention ground.

* [Exclusion](#) considerations could be relevant to this profile.

 Read more in the COMMON ANALYSIS



Subsidiary protection



The contents of this chapter include:

Article 15(a) QD: death penalty or execution

Article 15(b) QD: torture or inhuman or degrading treatment or punishment

Article 15(c) QD: serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict

Article 15(a) QD

Death penalty or execution

Last updated: June 2019

Death penalty is envisaged under the Iraqi Penal Code No.11 of 1969, the Anti-Terrorism Law, the Military Penal Code and the Iraqi Internal Security Forces Penal Code of 2008. Under the 2005 Constitution of Iraq, the President ratifies death sentences 'issued by the competent courts'.

Crimes that carry the death penalty in Iraq include offences such as crimes against internal or external security and state institutions, acts of terrorism, kidnapping, rape, drug trafficking leading to death, prostitution, 'aggravated' murder and human trafficking leading to death, etc.


Iraq continues to carry out capital punishment and is among the top three countries in the Middle East that impose and carry out executions. The death penalty is executed by hanging.

In the areas under its control, ISIL imposed punishment such as for refusal to join them or for transgressing the moral codes as they are set by ISIL and its strict interpretation of the Sharia Law. This includes executions, which would fall under the scope of [Article 15\(a\) QD](#).

Some profiles of applicants from Iraq may be at risk of death penalty or execution. In such cases there could be nexus to a Convention ground (see for example the profile [2.1 Persons \(perceived to be\) affiliated with ISIL](#)).

In cases where there is no nexus to a reason for persecution under the definition of a refugee (for example, in some cases of [2.20 Individuals accused of ordinary crimes](#)), the need for subsidiary protection under [Article 15\(a\) QD](#) should be examined.

Please note that [exclusion](#) considerations could be relevant.

 Read more in the COMMON ANALYSIS



Article 15(b) QD

Torture or inhuman or degrading treatment or punishment

Last updated: June 2019

As noted in the chapter on [Refugee status](#), some profiles of applicants from Afghanistan may be at risk of torture or inhuman or degrading treatment or punishment. In such cases, there would often be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground, the need for subsidiary protection under [Article 15\(b\) QD](#) should be examined.



Under [Article 15\(b\) QD](#), serious harm consists of torture or inhuman or degrading treatment or punishment of an applicant in the country of origin.

[Article 15\(b\) QD](#) corresponds in general to [Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms \(ECHR\)](#). The jurisprudence of the European Court of Human Rights (ECtHR), therefore, provides relevant guidance in order to assess whether a treatment may qualify as serious harm under [Article 15\(b\) QD](#).

Torture is an aggravated and deliberate form of cruel, inhuman or degrading treatment to which a special stigma is attached.

- ▶ According to relevant international instruments, such as the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(CAT\)](#), ‘**torture**’ is understood as:
 - ✓ an intentional act
 - ✓ that inflicts severe pain or suffering, whether physical or mental
 - ✓ for such purposes as obtaining from the person subjected to torture or from a third person information or a confession, punishing the former for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind.

The distinction between torture and inhuman or degrading treatment or punishment is more a difference of degree than of nature. These terms cover a wide range of ill-treatment that reach a certain level of severity.

- ▶ ‘**Inhuman**’ refers to treatment or punishment which deliberately causes intense mental or physical suffering (which does not reach the threshold of torture).



- ▶ **‘Degrading’** refers to treatment or punishment which arouses in the victim feelings of fear, anguish and inferiority capable of humiliating or debasing them.

The assessment whether a treatment or punishment is inhuman or degrading further implies a subjective consideration by the person who suffers such treatment or punishment. No specific purpose on the part of the perpetrator (e.g. obtaining information or a confession, punishing, intimidating) is required in this regard.

When examining the need for protection under [Article 15\(b\) QD](#), the following considerations should be taken into account:

- **Healthcare unavailability and socio-economic conditions:** It is important to note that serious harm must take the form of conduct of an actor ([Article 6 QD](#)). In themselves, the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of IDPs, difficulties in finding livelihood opportunities, housing) are not considered to fall within the scope of inhuman or degrading treatment under [Article 15\(b\) QD](#), unless there is intentional conduct of an actor, such as the intentional deprivation of the applicant of appropriate healthcare.
- **Criminal violence:** Criminal networks in Iraq have been exploiting children for drug trafficking and dealing purposes and migrants for forced labour. Actors such as PMF and tribes are also reported to engage in criminality. Criminal violence is usually motivated by financial gain and power struggle. Where there is no nexus to a reason for persecution under the refugee definition, the risk of crimes, such as killing, armed robbery, kidnapping, destruction of property, extortion, forced labour, child recruitment, trafficking for sexual exploitation, etc. may qualify under [Article 15\(b\) QD](#).
- **Arbitrary arrests, illegal detention and prison conditions:** Special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions. When assessing the conditions of detention, the following elements can, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world.


Reports mention that there are arbitrary arrests, prolonged detention, including in secret detention facilities, and widespread torture, especially of terrorism suspects. Detention facilities have been described by UNAMI as seriously overcrowded and with poor infrastructure, including the facilities for juveniles; and children are not always separated from adult detainees. Torture is reported to remain a widespread practice in police detention, interrogation cells, and in prisons. Detained ISIL suspects have been subjected to treatment such as electrocution, solitary confinement, and beatings by investigators. There were reports of deaths in custody following torture or other ill-treatment. International human rights groups documented a wide range of torture and abuses in detention facilities run by the Ministry of Interior and, to a lesser degree, in facilities of the



Ministry of Defence and in facilities run by the KRG. In KRI, the access of local and international organisations to detention facilities is also severely limited, rendering monitoring of the situation almost impossible.

Furthermore, it can be assessed that in cases where the prosecution or punishment is grossly unfair or disproportionate, or where subjecting a person to prison conditions which are not compatible with respect for human dignity, a situation of serious harm under Article 15(b) QD can occur. Where there is no nexus to a reason for persecution, such treatment may qualify under Article 15(b) QD.

Please note that [exclusion](#) considerations could be relevant.

 Read more in the COMMON ANALYSIS



Article 15(c) QD

Serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict

Last updated: June 2022

The necessary elements in order to apply [Article 15\(c\) QD](#) are:

Figure 2. Article 15(c) QD: elements of the assessment.



In order to apply [Article 15\(c\) QD](#), the above elements should be established cumulatively.

Read more in the COMMON ANALYSIS

The following is a summary of the relevant conclusions concerning the situation in Iraq:

- a. **Armed conflict:** There are multiple overlapping non-international (internal) armed conflicts taking place in Iraq, most prominently, the conflict between the Iraqi government and ISIL. Parts of Iraq are also affected by an international armed conflict involving Turkey, as the conflict in Turkey between Turkey and the PKK has extended to the northern Iraqi territory. The section Indiscriminate violence below provides further guidance with regard to the geographical scope of the armed conflicts taking place on the territory of Iraq.

Read more in the COMMON ANALYSIS

- b. **Civilian:** [Article 15\(c\) QD](#) applies to a person who is not a member of any of the parties to the conflict and is not taking part in the hostilities, potentially including former combatants who have genuinely and permanently renounced armed activity. The applications by



persons under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under [Article 15\(c\) QD](#). For example:

- ISIL and associated groups
- new militant factions of ISIL remnants: (e.g. ‘White flags’)
- other militant groups, such as Jamaat Ansar Al-Islam, the Naqshbandi Order, Jaysh Al-Mujahideen and the Islamic Army of Iraq
- ISF
- PMF and other militia groups
- KRG forces
- PKK
- tribes

It should be noted that actively taking part in hostilities is not limited to openly carrying arms but could also include substantial logistical and/or administrative support to combatants.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon return. The fact that the person took part in hostilities in the past would not necessarily mean that Article 15(c) QD would not be applicable to him or her.

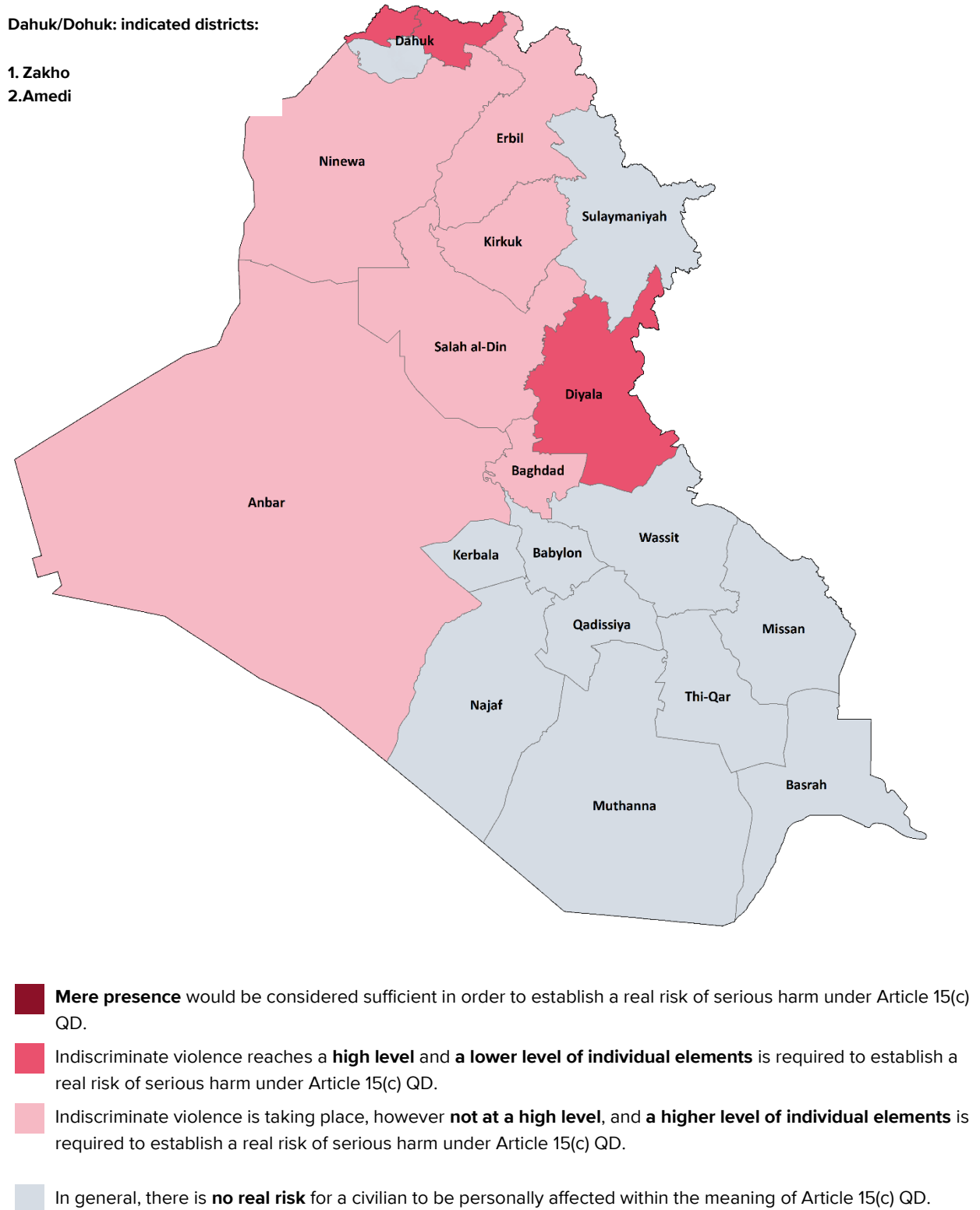


Read more in the COMMON ANALYSIS

- c. Indiscriminate violence:** Indiscriminate violence takes place to a different degree in different parts of the territory of Iraq. The map below summarises and illustrates the assessment of indiscriminate violence per governorate in Iraq. This assessment is based on a holistic analysis, including quantitative and qualitative information for the reference period (1 August 2020 – 31 October 2021). Up-to-date country of origin information should always inform the individual assessment.



Figure 3. Level of indiscriminate violence in Iraq (based on information up to 31 October 2021).





For the purposes of the guidance note, the governorates of Iraq are categorised as follows:

Territories where 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD, however, indiscriminate violence reaches a **high level**, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

This includes the governorates of *Diyala*, and the districts of *Amedi* and *Zakho* (*Dohuk* governorate).

Territories where indiscriminate violence is taking place, however **not at a high level** and, accordingly, **a higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

This includes the governorates of *Anbar*, *Baghdad*, *Erbil*, *Kirkuk*, *Ninewa*, *Salah al-Din*.

Territories where, in general, there is **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

This includes the governorates of *Babil/Babylon*, *Basrah*, *Dahuk/Dohuk* (except the districts of *Amedi* and *Zakho*), *Kerbala*, *Missan*, *Muthanna*, *Najaf*, *Qadissiya*, *Sulaymaniyah incl. Halabja*, *Thi-Qar/Dhi-Qar*, *Wassit*.



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d. Serious and individual threat:

In the context of the 'sliding scale', each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant's case. Certain personal circumstances could contribute to an enhanced risk of indiscriminate violence, including its direct and indirect consequences. While it is not feasible to provide exhaustive guidance what the relevant personal circumstances could be and how those should be assessed, the following are highlighted as possible examples of circumstances which may impact the




ability of a person to assess and/or avoid risks related to indiscriminate violence in a situation of an armed conflict:

- age
- gender
- health condition and disability, including mental health issues
- economic situation
- knowledge of the area
- occupation of the applicant and/or place of residence
- family members or support network
- etc.


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- e. Threat to life or person:** The risk of harm as per [Article 15\(c\) QD](#) is formulated as a ‘threat to a civilian’s life or person’ rather than as a (threat of) a specific act of violence. Some of the commonly reported types of harm to a civilian’s life or person in Iraq include killings, injuries, abductions, retaliatory violence by the armed forces, forced displacements, forced recruitment of minors, explosive remnants of war, etc.

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- f. Nexus:** The nexus ‘by reason of’ refers to the causal link between the indiscriminate violence and the harm (serious threat to a civilian’s life or person) and includes:

- harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict, *and*
- harm which is indirectly caused by the indiscriminate violence in a situation of armed conflict. Indirect effects are only considered to a certain extent and as long as there is a demonstrable link with the indiscriminate violence, for example: widespread criminal violence as a result of the collapse of State institutions in the context of the conflict with ISIL, destruction of the necessary means to survive, destruction of infrastructure.

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Actors of protection

Last updated: January 2021

[Article 7 QD](#) stipulates that protection can only be provided by:

a. the State;

b. parties or organisations controlling the State or a substantial part of the territory of the State;

provided they are **willing and able** to offer protection, which must be:

effective and of a **non-temporary nature**.

Such protection is generally provided when the actors mentioned take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by **operating an effective legal system for the detection, prosecution and punishment** of acts constituting persecution or serious harm,


The Iraqi State

The presence and control of the Iraqi State have become stronger since the defeat of ISIL. It can be concluded that the State may, depending on the individual circumstances of the case, be considered able and willing to provide protection that meets the requirements of Article 7 QD in **Baghdad** and **southern Iraq**. In most other parts of **northern and central Iraq**, including the disputed territories, the capacity of the State is limited and the criteria under [Article 7 QD](#) would generally not be met.

When assessing the availability of State protection, **individual circumstances**, such as ethnicity, home region, gender, social status, wealth, personal connections, actor of persecution and type of human rights violation must be taken into account. The Iraqi State is in general considered able and willing to provide protection that meets the requirements of [Article 7 QD](#) for Shia Arabs in Baghdad and southern Iraq. This is without prejudice to the assessment in cases where State protection is considered not available due to individual circumstances. With regard to Sunni Arabs, the availability of state protection is considered limited, but may in individual cases be available. State protection is generally not considered available for members of minority religions and ethnicities, Palestinians, LGBTIQ persons and victims of domestic or honour-related violence, and gender-based violence, including harmful traditional practices, such as forced and child marriage and FGM/C.




It should be noted that if the actor of persecution is a PMF, and the group in question is considered a State actor, effective protection is presumed not to be available in accordance with [Recital 27 QD](#).

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The Kurdistan Regional Government

In general, the KRG is considered to be an actor of protection meeting the requirements of [Article 7 QD](#). However, in certain individual circumstances, such as for persons perceived as associated with ISIL, political opponents, LGBTIQ, in relation to harmful traditional practices, honour-based and domestic violence, the KRI may be unwilling to provide protection within the meaning of [Article 7 QD](#).

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Parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State

No such actors are identified in Iraq.

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In case protection needs have been established in the home area, and if it is established that there is no actor who can provide protection in the meaning of [Article 7 QD](#), the examination may continue with consideration of the applicability of internal protection alternative (IPA).



Internal protection alternative

Last updated: June 2022

The required elements in order to apply [Article 8 QD](#) are:

Figure 4. Internal protection alternative: elements of the assessment.



In relation to these elements, when assessing the applicability of IPA, the case officer should consider the general situation in the respective part of Iraq, as well as the individual circumstances of the applicant. The burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements to indicate that IPA should not be applied to him or her. Those elements have to be assessed by the determining authority.



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Part of the country

Last updated: June 2022


The guidance regarding IPA focuses on the three cities of Baghdad, Basrah and Sulaymaniyah. The selection of the three cities for this joint assessment does not prevent case officers from considering the application of IPA to other areas of Iraq, provided that all criteria are met.

The ethno-religious background of the person and the region they originate from should be taken into account. In general:

- For individuals of **Kurdish ethnicity** IPA would be considered in KRI.
- For **Arab applicants**, IPA would be assessed with regard to other parts of Iraq.
- In the case of **ethno-religious minorities**, IPA should primarily be assessed with regard to the region where their communities are concentrated.



When choosing a particular part of Iraq with regard to which to examine the applicability of IPA, where relevant, existing ties with the place, such as previous experience and/or availability of a support network could, for example, be taken into account.

 Read more in the COMMON ANALYSIS

Safety

Last updated: June 2022

The criterion of safety would be satisfied where there is no well-founded fear of persecution or real risk of serious harm, or where protection is available.

■ Absence of persecution or serious harm

The assessment should take into account:

▶ general security situation

The general security situation in particular in the cities of **Baghdad, Basrah and Sulaymaniyah** should be assessed in accordance with the analysis under the section on [Article 15\(c\) QD](#).

▶ actor of persecution or serious harm and their reach

In case where the person fears persecution or serious harm by **State actors**, there is a presumption that IPA would not be available (e.g. persons perceived to be associated with ISIL). In specific cases, where the reach of a certain State actor is clearly limited to a particular geographical area (e.g. a PMF, the KRG, the Peshmerga), the criterion of safety may be satisfied with regard to other parts of Iraq.

With regard to persecution or serious harm by **ISIL**, it should be noted that the operational capacity of the armed group has decreased, however, it is still active in certain regions.

In some cases, where the applicant faces persecution or serious harm for reasons related to the prevalent tribal and social norms in Iraq and the actor of persecution or serious harm is **Iraqi society** at large (e.g. LGBTIQ, certain ethno-religious minorities), IPA would in general not be considered safe.

For certain particularly vulnerable individuals, such as women and children, if the actor of persecution or serious harm is the **(extended) family, tribe or community** (e.g. fasliya marriage, FGM), taking into account the reach of these actors and the lack of State protection, IPA would in general not meet the requirement of safety.

It should be underlined that it cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation, in order to avoid the risk of persecution or serious harm.

See the chapter [1. Actors of persecution or serious harm](#).

▶ **whether the profile of the applicant is considered a priority target and/or a threat by the actor of persecution or serious harm**


The profile of the applicant could make him or her a priority target for the State or for insurgent groups, increasing the likelihood that the actor of persecution or serious harm would attempt to trace the applicant in the potential IPA location.

▶ **personal enmity**

Some private disputes, including those based on honour and blood feuds, could strengthen the determination of the actor of persecution or serious harm to trace the applicant.

▶ **other risk-enhancing circumstances**

The information under the section [Analysis of particular profiles with regard to qualification for refugee status](#) should be used to assist in this assessment.


 Read more in the COMMON ANALYSIS

■ **Availability of protection against persecution or serious harm**

Alternatively, the case officer may determine that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm as defined in [Article 7 QD](#) in the area where IPA is considered. In the case of persecution by the State, a presumption of non-availability of State protection applies.



The requirement of **safety** may be satisfied in the cities of Baghdad, Basrah and Sulaymaniyah, depending on the profile and the individual circumstances of the applicant.

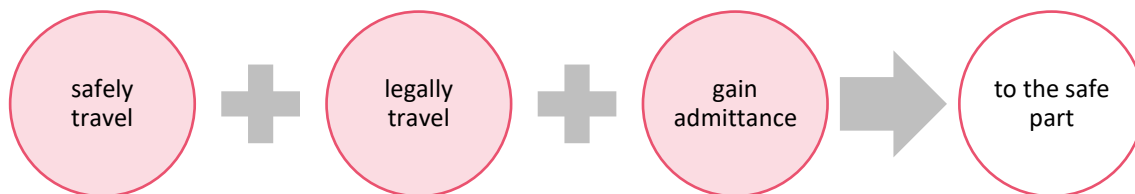
 Read more in the COMMON ANALYSIS

Travel and admittance


Last updated: June 2022

As a next step, the case officer should establish whether the applicant can:

Figure 5. Travel and admittance as requirements for IPA.



- ✓ **Safely travel:** The requirement of safety of travel in the cities of Baghdad, Basrah and Sulaymaniyah would in general be considered met. For some profiles, in particular for individuals who may be perceived as associated with ISIL, this requirement should be carefully assessed on an individual basis.
- ✓ **Legally travel:** There are in principle no legal restrictions for Iraqis to travel in Iraq, including in the cities of Baghdad, Basrah and Sulaymaniyah.
- ✓ **Gain admittance to:** There are certain administrative restrictions or requirements for persons from previously ISIL-held or conflict-affected areas to be admitted in parts of the country, including the cities of Baghdad, Basrah and Sulaymaniyah. This refers mostly to requirements for residency, in the case of Baghdad, Basrah and Sulaymaniyah. Sunni Arabs and in some cases Turkmen men are particularly affected by such requirements. The assessment of whether the requirement of gaining admittance is likely to be met, should take into account the individual circumstances of the applicant (ethno-religious background, place of origin, identity documents, security clearance, family status, existing social ties and having a potential sponsor, etc.). The individual case should be assessed based on the most recent COI available.

 Read more in the COMMON ANALYSIS

Reasonableness to settle

Last updated: June 2022

According to [Article 8 QD](#), IPA can only apply if the applicant ‘can reasonably be expected to settle’ in the proposed area of internal protection.

General situation

The following elements should be examined based on available country of origin information:



- the situation with regard to food security;
- the availability of basic infrastructure and services, such as:
 - shelter and housing;
 - basic healthcare;
 - hygiene, including water and sanitation;
- the availability of basic subsistence that ensures access to food, hygiene and shelter, such as through employment, existing financial means, support by a network or humanitarian aid.

The general situation in the area in consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

Based on the available COI, it is found that the general circumstances prevailing in Baghdad, Sulaymaniyah and Basrah, assessed in relation to the factors above, do not preclude the reasonableness to settle in the cities, however, a careful examination should take place, particularly when assessing the availability of IPA to Basrah. The assessment should take into account the individual circumstances of the applicant.



Read more in the COMMON ANALYSIS

Individual circumstances

In addition to the general situation in the area of potential IPA, the assessment whether it is reasonable for the applicant to settle in that part of the country should take into account the individual circumstances of the applicant, such as:

- ethno-religious and linguistic background
- civil documentation
- support network
- family status
- age
- gender
- state of health
- professional and educational background and financial means
- etc.

The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms, which would have an impact when determining to what extent it would be reasonable for the applicant to settle in a particular area. It should be noted



that these factors are not absolute, and they would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA.

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Conclusions on reasonableness

The general conclusions on the reasonableness of IPA for particular profiles of applicants are based on an assessment of the general situation in cities of Baghdad, Basrah and Sulaymaniyah, and the individual circumstances of such applicants.



Taking into account the ethno-religious background of the applicant, it could be substantiated that IPA in the cities of Baghdad, Basrah, Sulaymaniyah would be reasonable for **single able-bodied men** and **married couples without children**, who have identification documents and have no additional vulnerabilities, including when they do not have a support network. In the case of **families with children**, internal protection alternative may be reasonable, including without a support network, where the best interests of the child have been duly assessed.

Although the situation related to settling in the three cities entails certain hardships, it can still be concluded that such applicants would be able to ensure their basic subsistence, housing, shelter and hygiene, and access to basic healthcare.

In order to ensure their basic needs, **other profiles** of applicants would in general need a support network in the area of potential IPA. However, additional individual circumstances may be relevant to take into account when assessing the reasonableness of IPA. It should be highlighted that these conclusions are without prejudice to the criteria of safety, travel and admittance and that the individual circumstances in the case at hand should be fully examined.

 Read more in the COMMON ANALYSIS



Exclusion

Last updated: January 2021

*Minor updates added: June 2022



Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

The examples in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

Applying the exclusion clauses, where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

Exclusion should be applied in the following cases:

Grounds for exclusion

Refugee status

- a crime against peace, a war crime, or a crime against humanity
- a serious non-political crime outside the country of refuge prior to his or her admission as a refugee
- acts contrary to the principles and purposes of the United Nations

Subsidiary protection

- a crime against peace, a war crime, or a crime against humanity
- a serious crime
- acts contrary to the principles and purposes of the United Nations
- constituting a danger to the community or to the security of the Member State in which the applicant is present
- other crime(s) (under certain circumstances)



It should be underlined that the determining authority has the burden of proof to establish the elements of the respective exclusion grounds and the individual responsibility of the applicant; while the applicant remains under an obligation to cooperate in establishing all facts and circumstances relevant to his or her application.


 Read more in the COMMON ANALYSIS

In the context of Iraq, the need to examine possible exclusion issues may arise, for example, in cases of applicants under the following profiles. The list is non-exhaustive:

- Members of the Baath regime, such as by Baath party members of a certain rank or level, intelligence services, members of the military, judicial and administrative institutions
- Insurgent and/or extremist groups (e.g. ISIL, Al-Qaeda)
- Members of ISF and Peshmerga, intelligence services (e.g. *Asayish*) and other security actors
- Members of PMF
- Members of PKK
- Members of Sahwa, a local counterinsurgency movement that cooperated with the US to expel al-Qaeda in Iraq
- Individuals involved in tribal feuds
- etc.

Crimes committed by Iraqi applicants outside of Iraq (e.g. participation in ISIL's international activities, participation in the activities of Iraqi militia in the conflict in Syria), could also lead to exclusion considerations.

The Qualification Directive does not set a time limit for the application of the grounds for exclusion. Applicants may be excluded in relation to events occurring in the recent and more distant past, such as during the regime under Saddam Hussein (1968 - 2003).

 Read more in the COMMON ANALYSIS

The following subsections provide guidance on the potential applicability of the exclusion grounds in the context of Iraq.



(a) Crime against peace, war crime, crime against humanity

[Article 12\(2\)\(a\) QD](#) and [Article 17\(1\)\(a\) QD](#) refer to specific serious violations of international law, as defined in the relevant international instruments ⁽⁷⁾.

It can be noted that the ground ‘crime against peace’ would rarely arise in asylum cases. However, it may be of relevance with regard to high-ranking officials responsible for the invasion of Kuwait.

Violations of international humanitarian law by different parties in the current and in past conflicts in Iraq could amount to war crimes, such as the use of prohibited weapons and the deliberate indiscriminate attacks on civilians, etc.

Reported crimes such as murder, torture, and rape by the different actors could amount to crimes against humanity when committed as part of a widespread and systematic attack against the civilian population. Crimes in the context of past events, such as the Al-Anfal military campaign could also trigger the consideration of exclusion in relation to ‘crimes against humanity’.

Some acts in the current conflicts, such as extrajudicial killings, torture, forced disappearance, could amount to both war crimes and crimes against humanity.

According to COI, especially (former) members of insurgent groups (e.g. ISIL), security actors (e.g. ISF, PMF), as well as Baathists, can be implicated in acts that would qualify as war crimes and/or crimes against humanity. Relevant situations, which should be considered in relation to this exclusion ground include, for example:

- Iraq - Iran war (1980 - 1988): international armed conflict;
- Al-Anfal military campaign (1987 - 1988);
- Invasion of Kuwait (1990 - 1991): international armed conflict; and subsequent uprising;
- Kurdish civil war (1995 - 1998): non-international armed conflict;
- Invasion of Iraq (2003): international armed conflict;
- Armed conflict between ISF and insurgent groups as from 2004: non-international armed conflict;
- Sectarian conflict/civil war (post 2003): non-international armed conflict;

⁽⁷⁾ The [Rome Statute of the International Criminal Court](#) is a particularly relevant instrument in this regard. See also the ‘Grave Breaches’ provisions of the 1949 Geneva Conventions and Additional Protocol I, common Article 3 and relevant provisions of Additional Protocol II, the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY) and Statute of the International Criminal Tribunal for Rwanda (ICTR).



- ISIL conflict (2014 - ongoing): non-international armed conflict;
- Turkey - Iraq conflict (2019 - ongoing): international armed conflict.

(b) Serious (non-political) crime

In the context of Iraq, widespread criminality makes the exclusion ground ‘serious (non-political) crime’ particularly relevant. This is related to criminal activities of organised groups and gangs, as well as activities of ISIL and some militia, but the ground also applies to serious crimes committed by individuals not related to such groups.

Some particularly relevant examples of serious (non-political) crimes include kidnapping, extortion, trafficking for the purposes of sexual exploitation, etc. For example, criminal gangs in Basrah have exploited the security gap and there has been a rise in robberies, kidnapping, murder, and drug trafficking.

Violence against women and children (for example, in relation to FGM, domestic violence, honour-based violence, forced and child marriage) could also potentially amount to a serious (non-political) crime.

Some serious (non-political) crimes could be linked to an armed conflict (e.g. if they are committed in order to finance the activities of armed groups) or could amount to fundamentally inhumane acts committed as a part of a systematic or widespread attack against a civilian population, in which case they should instead be examined under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

(c) Acts contrary to the purposes and principles of the United Nations

(Former) membership in terrorist groups such as ISIL and Al-Qaeda could trigger relevant considerations and require an examination of the applicant’s activities under [Article 12\(2\)\(c\) QD/Article 17\(1\)\(c\) QD](#), in addition to the considerations under [Article 12\(2\)\(a\) QD/Article 17\(1\)\(a\) QD](#), mentioned in the sections above.

The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant’s activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.



Where the available information indicates possible involvement in crimes against peace, war crimes or crimes against humanity, the assessment would need to be made in light of the exclusion grounds under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

(d) Danger to the community or the security of the Member State

In the examination of the application for international protection, the exclusion ground under [Article 17\(1\)\(d\) QD](#) is only applicable to persons otherwise eligible for subsidiary protection.

Unlike the other exclusion grounds, the application of this provision is based on a forward-looking assessment of risk. Nevertheless, the examination takes into account the past and/or current activities of the applicant, such as association with certain groups considered to represent a danger to the security of the Member States or criminal activities of the applicant.



Read more in the COMMON ANALYSIS





Common analysis: Iraq

The common analysis represents the joint assessment of EU Member States of the situation in the country. It is based on common country of origin information, published by EUAA, which is analysed in accordance with the 1951 Geneva Convention and the Qualification Directive (recast), further taking into account the jurisprudence of the CJEU and ECtHR and general EUAA guidance.





General remarks

Last updated: June 2022

According to the UN, the population of Iraq, including the Kurdistan Region of Iraq (KRI), was estimated to be 40 150 200 people in 2020 [[KSEI 2020](#), 1.1].

Iraq is a federal republic and is administratively divided into 18 governorates, with the KRI governed as an autonomous region by the Kurdistan Regional Government (KRG) [[Actors of protection](#), 1].

The three largest demographic groups in Iraq are Shia Arabs, Sunni Arabs, and Kurds. Numerous religious, ethnic, cultural and linguistic minorities live in Iraq, in particular in the North of the country. It is estimated that 75 - 80 % of the inhabitants are Arab and 15 - 20 % are Kurdish. Ethnic minorities make up to 5 % of the population. Islam is the country's official religion. According to official statistics from 2020, 95-98 % of the population is Muslim (approximately 64-69 % Shia and 29-34 % Sunni) [[KSEI 2020](#), 1.1]. Shia communities are mainly concentrated in the south and east of Iraq. Shia are also the majority in Baghdad and have communities in most parts of the country. Sunnis are mostly located in the west, north, and central parts of the country. The majority of the population of the KRI identifies ethnically as Kurdish and is of Sunni Muslim religion [[Targeting 2019](#), 3.4].

Kurdish is the most widely spoken language in the KRI, while the most widely spoken language in the rest of the country is Arabic [[KSEI 2019](#), 1.1; [Actors of protection](#), 1].

Iraq's recent history has been characterised by a series of conflicts with political, ethnic and sectarian dimensions. In 2013, Sunni insurgent groups, together with al-Qaeda in Iraq (AQ-I) and affiliates, formed together under the Islamic State in Iraq (ISI), the precursor group to the Islamic State in Iraq and the Levant (ISIL), also known as the Islamic State of Iraq and Syria (ISIS), the Islamic State, or Daesh.

In 2021, Iraq was still confronted with multiple armed conflicts and internal tensions taking place in different governorates of the country. [[Security 2022](#), 1.1]

Since its territorial defeat in 2017, ISIL shifted its modus operandi to guerrilla warfare, organising its fighters in small mobile cells and using bases in remote areas to carry out attacks against security forces, *mukhtars*, civilians and infrastructure such as power facilities [[Security 2022](#), 1.1.1] Although the group mainly conducts hit and run attacks, they succeeded to carry out two major attacks in Baghdad in January and July 2021. The objective of ISIL attacks is focused on the reduction of the trust in the local government and the government security. [[Security 2022](#), 1.1]



The Iraqi government supported by the international coalition against ISIL launched a series of counterterrorism operations in the central governorates and Baghdad. The operations resulted in the destruction of multiple operating sites, weapons and vehicles, in disabling IED devices, and led to the arrest and killing of ISIL fighters and leaders. Furthermore, the February 2021 'Operation Lions of Al-Jazeera' aimed at cutting of supply and deployment routes between the governorates and was the biggest search operation launched by the armed forces. [[Security 2022](#), 1.1]

The US military mission in Iraq ended by the end of 2021 while the US continued to provide training, logistics and advisory support. [[Security 2022](#), 1.1.1]

Iraq became a theatre of conflict between the United States and Iran. The assassination of Qasem Soleimani, the Commander of the Quds Forces of the Revolutionary Guards Corps (IRGC-QF) and Abu Mahdi al Muhandis, the deputy of the Popular Mobilisation Forces (PMF) by the US in January 2020 triggered a wave of retaliatory attacks from various Iranian backed militias. Besides rocket attacks on US bases and assets in Iraq, Iranian backed militias also conducted a number of roadside bombing attacks targeting Iraqi civilian trucks working with the coalition. Initially, they were carried out by rocket attacks but shifted to drone attacks, since April 2021. [[Security 2022](#), 1.1.1]

Since July 2015 Turkey renewed its military operations against the Kurdistan Worker's Party (PKK) inside Iraq and launched a large-scale border offensive targeting PKK's logistical infrastructure, operational capacity and tunnel networks. The KRG accepted extending Turkish operations in KRI. As regards the PKK relations with the KRG security forces, rivalry between the PKK (and its affiliated factions) and the Kurdistan Democratic Party (KDP) in the contested areas, was reportedly generated by competition for territory, resources, and status, but it also reflects a contest between two different worldviews and resulted in deadly clashes between the PKK and *Asayish* and Peshmerga forces. The KRG installed more bases in the KRI to prevent PKK fighters from entering populated areas and to avoid Turkish airstrikes from targeting them. [[Security 2022](#), 1.3.1]

Iranian and Turkish military forces conducted attacks in the border area to target groups based in KRI, which Turkey and Iran assess to be involved in cross-border terrorism. Iran launched artillery and drone attacks at Iranian Kurdish groups and urged Iraq to forbid the United States and Iranian Kurdish opposition groups (KDPI, Democratic Party of Iranian Kurdistan and PJAK, Free Life Party) to have bases in the border area with Iran. [[Security 2022](#), 1.3.1]

Since October 2019 Iraq witnessed massive protests demanding more job opportunities and an end to corruption as well as a change of the political system. After a lockdown in the beginning of 2020, due to the pandemic, new protests took place, although on a smaller scale. In the KRI violent protests took place, sparked by the growing economic crisis and the government's failure to pay civil servants' salaries.



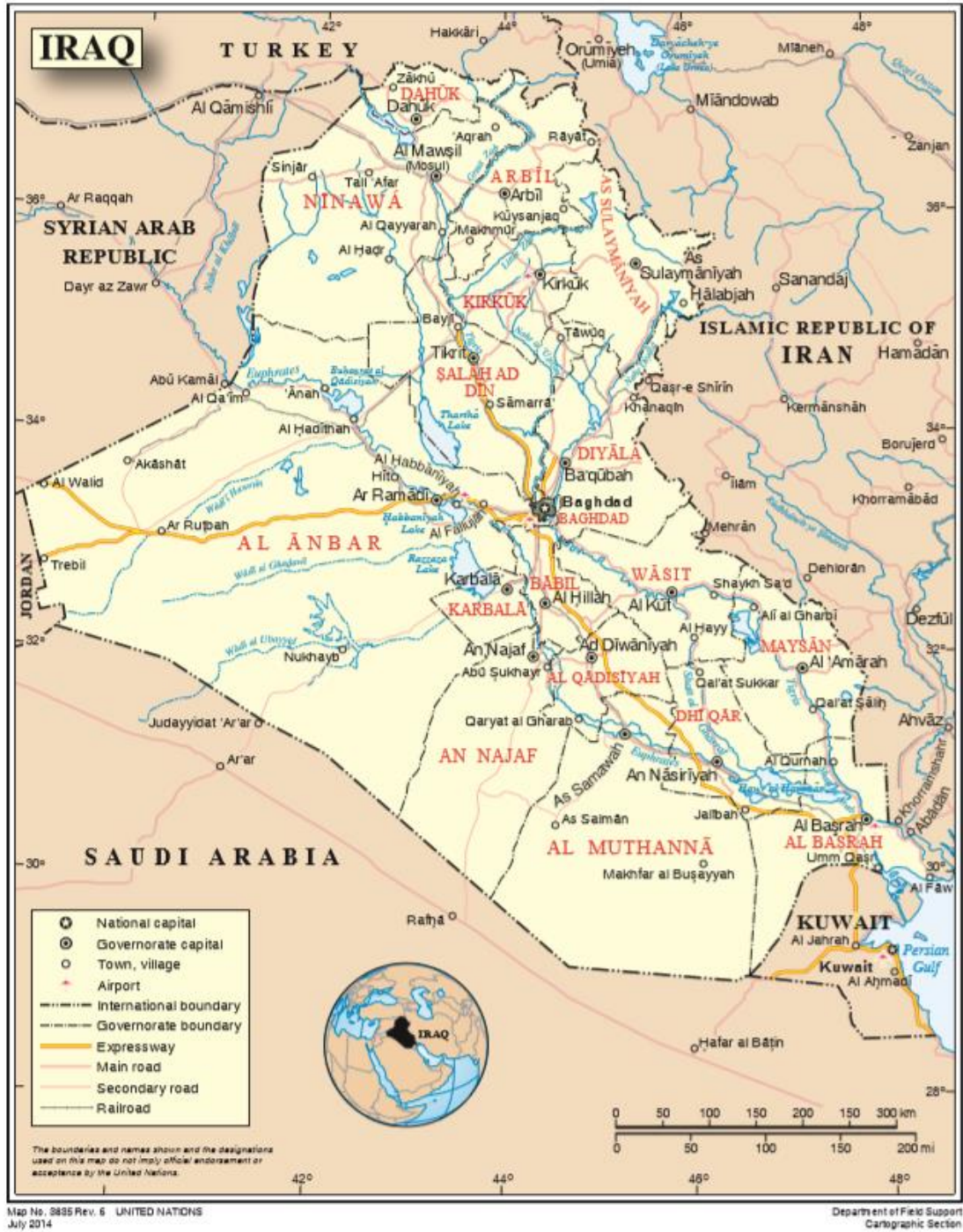
On 10 October 2021, Iraq held parliamentary elections. The election turnout was the lowest in Iraq's recent history and reportedly reflects Iraqis' disillusion towards the political system and its political elite. The Sadrist Movement of Moqtada el Sadr won the elections while the Shia factions representing the Iran-aligned militias suffered a significant defeat. Iran-backed militia supporters took the streets and denounced the elections as fraudulent while chanting slogans against the United States and the United Nations. Security forces and demonstrators clashed at the Green Zone on 5 November 2021, resulting in several deaths and scores of injured. The incident was shortly followed by a drone attack on the minister's residence. As in previous elections, this process has resulted in consensus governments, which include the same political parties, regardless of the outcome at the ballots. [[Security 2022](#), 1.2.2, 1.2.3]

The individual assessment of international protection needs should take into account the presence and activity of different actors in the applicant's home area and the situation in the areas the applicant would need to travel through in order to reach their home area. This country guidance is based on an assessment of the general situation in the country of origin. Where not specified otherwise, the analysis and guidance refer to Iraq in general, including the Kurdish Region in Iraq (KRI). In some sections, the analysis specifies that it refers to:

- **Kurdistan Region of Iraq (KRI):** An autonomous region of Iraq, including the governorates of Dohuk, Erbil, and Sulaymaniyah
- **Disputed territories:** Areas disputed between the Iraq central government and the KRG under Article 140 of the Constitution. These areas include Kirkuk, parts of northern Diyala, parts of Erbil (Makhmur district), Salah al-Din, and Ninewa.



Figure 6. Iraq, © United Nations ⁽⁸⁾



⁽⁸⁾ United Nations, Geospatial, Iraq, July 2014, [url](#).



1. Actors of persecution or serious harm

This chapter looks into the topic of ‘actors of persecution or serious harm’. It focuses on the main actors in Iraq, their areas of presence and control, the violations they have reportedly committed, and, where applicable, their structure and organisation.



The contents of this chapter include:

[Preliminary remarks](#)

[Overview: areas of control](#)

[1.1. The Iraqi State actors](#)

[1.2. Popular Mobilisation Forces and Tribal Mobilisation Militias](#)

[1.3. Kurdistan Regional Government \(KRG\) authorities](#)

[1.4. The Islamic State of Iraq and the Levant \(ISIL\)](#)

[1.5. Tribes](#)

[1.6. Other non-State actors](#)

Preliminary remarks

Last updated: January 2021

[Article 6 QD](#) defines ‘actors of persecution or serious harm’ as follows.



Article 6(d) QD

Actors of persecution or serious harm

Actors of persecution or serious harm include:

- (a) the State;
- (b) parties or organisations controlling the State or a substantial part of the territory of the state;
- (c) non-State actors, if it can be demonstrated that the actors mentioned in points (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as defined in Article 7.

Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat which would qualify as serious harm ([Recital 35 QD](#)). Generally, persecution or serious harm must take the form of conduct of an



actor ([Article 6 QD](#)). For example, it cannot simply be the result of general shortcomings in the health system of the country of origin ⁽⁹⁾.

The notion of ‘**State**’ within the meaning of [Article 6\(a\) QD](#) should be broadly interpreted. It encompasses any organ exercising legislative, executive, judicial or any other function(s) and acting at any level, be it central, federal, regional, provincial or local. It could, for example, include the civil service, armed forces, security and police forces, etc. In some cases, private entities may also be given State powers and therefore be considered a State actor of persecution or serious harm.

‘Parties or organisations controlling the State or a substantial part of the territory of the State’ can refer to two possible scenarios:

- ▶ Parties or organisations amounting to de facto State actors because they exercise elements of governmental authority; or
- ▶ Parties or organisations controlling a substantial part of the State’s territory in the context of an armed conflict.

Non-State actors against whom protection is not effectively provided are also recognised as actors of persecution or serious harm in the meaning of [Article 6 QD](#). Non-State actors could, for example, include individuals and groups, such as clans and tribes, guerrillas and paramilitaries, militias, extremist religious groups, terrorists, criminals, political parties, and family members, including members of the extended family, etc.

Overview: areas of control/activity

Last updated: June 2022

[[Security 2019](#), 1; [Security 2020](#), 1.1., 1.2.3, 1.2.5; [Security 2022](#), 1.3]

In Iraq, a wide range of different groups and individuals can be considered as actors of persecution or serious harm. Moreover, agents and motivations are not always clear-cut and may change given the changing security context.

The following subsections highlight the main actors of persecution and serious harm in Iraq in a non-exhaustive manner. Their areas of control/activity are outlined below.

- The **Iraqi Security Forces (ISF)** control most of Iraq, excluding the KRI. In some areas, ISF only holds nominal control, whereas in practice control is exercised by Popular Mobilisation Forces (PMF), e.g. areas in Salah al-Din and Diyala.

⁽⁹⁾ CJEU, *Mohamed M'Bodj v État belge*, C-542/13, judgment of 18 December 2014, paras. 35-36.



- In certain areas in north/central Iraq **PMF** are dominant (e.g. areas in Salah al-Din). Southern governorates are considered areas of shared control between ISF and PMF.
- **KRG** upholds the sole responsibility for the security of the KRI, however, gaps in KRG control have been reported. Peshmerga forces are the KRG armed forces.
- **ISIL** no longer holds territory in Iraq however, ISIL relies on remote desert bases, mountain ranges, valleys and orchards in the Baghdad Belts and the Central provinces of Iraq. It established furthermore safe havens in Iraq's Disputed Internal Boundaries (DIBs) due to gaps in the security system.

Other actors such as Turkey, Iran, the Kurdistan Worker's Party (PKK) were also present and reportedly carried out attacks in Iraq, in particular in the KRI [[Security 2022](#), 1.3.1]

1.1. The Iraqi State actors

Last updated: June 2022

There are four security institutions in federal Iraq under the command of the prime minister.

Firstly, the Ministry of Defence, which includes ground forces such as Army Divisions, Special Forces, the Special Security Division and the Commando Brigades, secondly the Ministry of Interior which includes the Emergency Response Division, the Federal Police and the Border Guard Forces, thirdly the Counter Terrorism Service and as last the Popular Mobilisation Committee (PMC). The first three categories are referred to as the Iraqi Security Forces (ISF).

PMF are also generally considered State actors, see the [1.2 Popular Mobilisation Forces and Tribal Mobilisation Militias](#).

According to the UN, Iraqi State authorities have been successful in putting ISIL under constant counterterrorism pressure.

The Iraqi State authorities have been involved in committing a wide range of human rights violations within the course of fighting ISIL and after their defeat in December 2017.

It is reported that the government forces have been involved in unlawful killings, abuse and torture during arrest, pre-trial detention and after conviction, as well as in a wide range of other abuses. Reported abuses by ISF also include forcing family members to pay bribes to recover bodies, as well as involvement in kidnappings, assassinations, robberies and other criminal activity [[Targeting 2019](#), 1.1.1, 1.3, 1.3.1]. ISF are reported to intimidate civilians, conduct searches, impose movement restrictions, and confiscate houses. Civilians, including children with (perceived) ties to ISIL, were apprehended based on names lists collected through interrogation or torture. Arrestees were forced to confess affiliation to ISIL and were convicted of terrorism. Families of alleged ISIL members are forced to return home to provide information or face retaliation. Random arrests of Sunnis occurred humiliating and accusing them with false



accusations. Sexual abuse against women in IDP camps was reported [[Targeting 2022](#), 1.1.1, 1.1.2, 2.2, 4.1.2, 7.3].

In the context of the protests, excessive violence, live ammunition, military grade tear gas grenades, arbitrary arrests, enforced disappearances and extrajudicial killings by the ISF against the protesters, was reported. Government agents have also reportedly targeted individuals in relation to the protest movement by means of arrests, intimidation, unlawful detention, etc [[Protesters](#), 3.1]. Furthermore the restriction of broadcasting, the closure of television and radio channels as well as the threatening and targeting of journalists were reported [[Targeting 2022](#), 3.1.1, 5.1, 8.6]

It should be noted that the distinction between official state forces and non-state forces is not always clear.

1.2. Popular Mobilisation Forces and Tribal Mobilisation Militias

Last updated: June 2022

The **Popular Mobilisation Forces (PMF)**, also referred to as the Popular Mobilisation Units (PMU) and al-Hashd al Shaabi, can be considered as a complex umbrella organisation, consisting of many different militias.

Although the PMF fall officially under the command of Iraq's prime minister, some prominent (Shia) militias answer directly to Iran. Prime Minister al-Khadimi tried since his coming to power to curb the influence of the militias by arresting militia members and bringing them to justice or by undercutting the flow of resources, obtained mainly through smuggling activities at the border areas with Syria and Iran. Despite these attempts the Iraqi Government continues to have major difficulties in containing the Popular Mobilisation Committee (PMC) or to hold its fighters accountable for their actions.

There is an internal rift between the ISF loyal to the prime minister and the PMF. The PMF showcase their (military) capacity by organising parades, calling for the dismissal of the prime minister or symbolic deployment to the capital. Incidents of ISF perceived as loyal to the prime minister being intimidated, attacked and driven away by the PMF are reported [[Security 2022](#), 1.3.1].

The total manpower of the PMF is 165 000 members of whom 110 000 are Shia, 45 000 Sunni and 10 000 minorities. On 10 October 2020, the Iraqi Resistance Coordination Commission (IRCC), came to existence following the killing of Soleimani and Muhandis. It is an influential entity that claims to speak on behalf of a coalition of PMF groups inter alia Kataib Hezbollah (KH) and Asa'ib Ahl Al-Haq (AAH). The PMF groups were forced to collaborate in this framework and gave Iran the opportunity to consolidate a semblance of control over the PMF groups. [[Security 2022](#), 1.3.1]



The Shia PMF largely fall into three main groups:

- **Iran-backed militias** with strong relations to Iran and its security apparatus, particularly the Iranian Revolutionary Guard Corps. These militias are considered the most active and most capable in Iraq. The militias mainly include influential groups like the Badr Organisation, Asaib Ahl al-Haq, Kataib Hezbollah and Saraya Talia al-Khorasan. The **wala'i**, PMF affiliated with Iran's Khamenei operate under the umbrella of the PMF or are incorporated in other security apparatuses. Tensions arose between the wala'i and PMF affiliated with Iraq's supreme Shia cleric Al-Sistani.

The withdrawal of US Troops from Iraq influenced the presence and expansion of Iranian-backed militias in different provinces. The Iranian backed militias have access to heavy and advanced weaponry that they showcase to demonstrate their power. These militias adopted a new strategy to evade accountability for the targeting of US assets in Iraq, the targeting of coalition logistical convoys and other activities like raiding venues deemed as westernised and the targeting of activists. To this end, the PMF, like KH en AAH, created façade groups that were not officially affiliated with the PMF such as Usbat Al-Thaireen (League of the Revolutionaries) and Rab'allah (Followers of Allah). These groups take on accountability for the attacks and so avoiding retaliatory attacks on the Iranian backed PMF. Another strategy is to attribute their attacks to third parties like ISIL or other armed actors [[Security 2022](#), 1.3.1].

- **Other politically affiliated militias** linked with Shia political parties, but not aligned with Iran, such as populist Shia cleric Moqtada al-Sadr's Saraya al-Salam (Peace Brigades) and the Islamic Supreme Council.
- **Hawza militias**, which are smaller groups affiliated with the Najaf-based Grand Ayatollah Ali al-Sistani (Iraq's supreme Shia cleric) and not connected to political parties. These PMF became integrated in the Iraqi armed forces since April 2020 [[Security 2022](#), 1.3.1].

The **Tribal Mobilisation (TM)** militias, or Hashd al-Asha'iri, are composed of fighters from Sunni tribes. The TM are generally active locally in their own places of origin. Their role has increased during the fight against ISIL and in securing the areas once they were recaptured [[Targeting 2019](#), Annex I; [Security 2022](#), 1.3.1].

There are also a number of **minority militias**, such as Yazidi and Christian militias, Turkmen brigades and Shabak forces linked to the PMF. However, the link to the PMF might not always be clear-cut and may be loosely based on financial, legal or political incentives [[Targeting 2019](#), Annex I; [Security 2022](#), 1.3.1]. In Sinjar, the YBS (Sinjar Resistance Unit) is officially part of the PMF. PKK fighters joined the ranks of the YBS. The PMF is providing political cover for the presence of the PKK in the region [[Targeting 2022](#), 4.3.1; [Security 2022](#), 1.3.1].

The PMF were still active in conducting counter-ISIL operations, drone surveillance, raids and clearing operations [[Security 2022](#), 2.4.3].

Since 2014, elements of the PMF have been engaged in unlawful killings, disappearances, extortion and revenge attacks in the course of the fighting against ISIL. Sources report that PMF make arrests and detain suspects in 'secret prisons'. PMF have also regularly forcibly



disappeared men with perceived ISIL ties directly from IDP camps. Sexual exploitation of women in IDP camps by members of the PMF was also reported [[Targeting 2019](#), 1.1.2, 1.2.2].

The PMF manned checkpoints, engage in extortion, detain Sunni on false charges, and smuggle weapons, force displacement of Sunni resulting in demographic change along the border with Iran, turn Sunni mosques into headquarters and operate in Sunni areas against the will of the local population. Furthermore PMF are reported to control checkpoints and road traffic and issue their own authorization letters that allow passage through checkpoints across the country [[Security 2022](#), 2.4, 2.4.3].

PMF and security forces are accused of threatening family members of (suspected) ISIL members to return home to provide information [[Targeting 2022](#), 4.2.2].

PMF are reported to have committed violence against ethnoreligious minorities, to be engaged in illegal income-generating activities, setting up of illegal checkpoints, and causing displacement of minorities [[Targeting 2022](#), 4.2.2]. PMF are responsible for blocking returns, attempt to induce demographic changes and secure illegal economic benefits, and confiscate property [[Targeting 2022](#), 4.1.2, 4.3.2]. PMF are said to perpetuate ethnic conflict and displacement, ignite tension between the local Sunni and Shia communities and, in the case of ISIL, increasing 'Sunni disillusion with and isolation from the Iraqi state, deepens mistrust between Sunnis and the Iraqi government and risks radicalization of the Sunni population'. PMF are also said to continue aiding, perpetuating, and taking advantage of ISIL-initiated ethnic population displacement in order to gain a demographic and electoral advantage [[Targeting 2022](#), 2.2].

During the protests, PMF members used excessive violence against protesters such as assassinations, abductions, beatings, intimidation. Forced evictions, abductions, destruction of property and summary executions were also reported [[Protesters](#), 3.1; [Targeting 2022](#), 5.3].

It is reported that militia members enforce public morals, punishing, for example, persons who drink alcohol, gamble or hire prostitutes. PMF have also been engaged in criminal activities and other abuses against civilians. Forced displacement, evictions, arrests, looting of homes, demolition of houses, threats, sexual abuse, harassment and discrimination by PMF and local militias were also reported [[Targeting 2019](#), 1.1.2, 1.2.2, 1.4, 3.1.2].

During the Iraqi takeover of the disputed territories from the KRG in October 2017, members of the Peshmerga and *Asayish* from the disputed territories have been targeted by the PMF and ISF forces. Especially in Kirkuk, denial of returns of Kurds was also reported [[Targeting 2019](#), 1.1.2; [Security 2019](#), 2.4].



The PMF are generally considered State actors, although the State is unable to exert full control. Depending on the level of affiliation with the State in the particular case, other militias may be considered State or non-State actors.



1.3. Kurdistan Regional Government (KRG) authorities

Last updated: June 2022

In KRI, the Peshmerga, the municipal police and the *Asayish* are the main security actors of the KRG.

USDOD divides the Kurdish security forces into three categories namely

- the forces of Peshmerga Affairs,
- the forces of the Kurdish Ministry of Interior like the Zerevani Forces (KDP affiliated) and the Emergency Response Forces (PUK affiliated)
- other KRG forces including *Asayish* (KDP and PUK affiliated), Parastin and Counter Terrorism Division both KDP affiliated, Zanyari and Counter Terrorism Group both PUK affiliated. [[Security 2022](#), 1.3.1]

The **Peshmerga** are the Kurdish armed forces overseen by the KRG Ministry of Peshmerga Affairs and are responsible for maintaining order in the KRI. Militias of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) are (de facto) also part of the Peshmerga. However, they report to the Ministry of Interior, thereby having both a civilian policing and military function [[Actors of protection](#), 8.1.2; [Security 2019](#), 1.3.1.3]. The Peshmerga main objectives are to ensure the security of the KRI and eliminate ISIL terrorist threats [[Security 2022](#), 2.8.3].

Municipal police are responsible for traditional civil and traffic enforcement, environmental policing, immigration enforcement and facilities protection. Routine policing, patrols, first response and investigation of minor felonies fall within their responsibilities, along with a range of administrative functions. Emergency police handle major felonies. It is reported that the municipal police remain politically divided along party lines [[Actors of protection](#), 8.1.3].

The ***Asayish*** is the intelligence agency of the KRG, responsible for 'domestic security throughout the region'. Within *Asayish* there are political allegiances between the KDP and the PUK, but the parties also maintained their own intelligence services (KDP: Parastin, PUK: Zanyari). These were unified under the law in 2011, however, they continue to work closely with the *Asayish* on intelligence gathering operations [[Actors of protection](#), 8.1.4; [Security 2019](#), 1.3.1.3].

Given that persons with an (perceived) affiliation to ISIL are primary targets for all security actors in Iraq, such persons have also been victims of human rights violations by KRG security actors. The Peshmerga and *Asayish* are accused of arbitrary arrests and carrying out unlawful killings of ISIL suspects. Other reported violations include enforced disappearances, retaliatory violence against Sunni Arab civilians during territorial recapture, intentional demolition of houses. There were also reports that PMF and KRG forces detained children accused of terrorism and subjected them to torture and other forms of ill-treatment. According to available information, abusive interrogations occurred in some detention facilities of the *Asayish* and the intelligence services of the major political parties. There have been reports that ISIL suspects have been



subjected to torture and other forms of ill-treatment in order to extract confessions [[Targeting 2019](#), 1.1, 1.2.3, 1.18.2].

There have also been reports of pressure and harassment by the KRG of certain ethnic minorities, such as the Shabak and the Yazidi to declare themselves to be Kurds [[Targeting 2019](#), 3.4.3, 3.4.6]. Other allegations against Kurdish authorities refer to the detention of political opponents, the violent suppression of demonstrations, and the harassment of news outlets critical of the KRG leadership, and the killing of journalists [[Targeting 2019](#), 1.1.3, 1.2.3, 1.3.4, 1.11.2; [Actors of protection](#), 8.3].

Kurdish security forces arbitrarily arrested, detained and are responsible for the forced disappearance of protesters. The KRG authorities used excessive force against the protesters, limited internet access and banned press coverage of the protests, raiding and closing press agencies. *Asayish* internal security forces could act with effective impunity regarding committed human right abuses such as torture, and other cruel, inhuman or degrading treatment. Children were forced to confess alleged affiliations to ISIL and have been convicted of terrorism. The prosecutions are often based on forced confessions obtained through torture. KRG prevented Sunni Arab IDPs from returning to their homes in disputed territories and areas retaken from ISIL. LGBTIQ persons were arrested on bases of immorality [[Targeting 2022](#), 1.1.1, 2.2, 6.1]

1.4. The Islamic State of Iraq and the Levant (ISIL)

Last updated: June 2022

The Islamic State of Iraq and the Levant (ISIL) is a successor of Al-Qaeda in Iraq, the Sunni resistance movement against US-occupation after 2003. It is a Salafi jihadist militant group, designated by the UN and internationally sanctioned as a terrorist organisation, whose goal is the establishment and expansion of a caliphate. ISIL is strongly rooted in a strictly conservative interpretation of Sunni Islam, with a literal reading of the Quran and the Sharia as penal system, and a complete rejection of any other interpretation of Islam, like Shia or Sufi. Takfirism is ISIL's ideological basis for their attitudes and actions towards other Muslims, for example in order to eliminate political opponents or others not conforming with their rigid interpretation of Islam. In its campaign to 'purify' its territory according to its takfir doctrines, ISIL targeted Shia, as well as ethnic and religious minorities such as Christians, Yazidi, Shabaks, Kaka'i, and Kurds [[Targeting 2019](#), 2.1, 2.2; [Security 2019](#), 1.1.2].

ISIL controlled significant territory in Iraq but was declared militarily defeated in December 2017. The military campaign to eliminate ISIL has significantly reduced the group's operational capabilities and ISIL has not held territory in Iraq since its military defeat, however, it continues to operate as a more traditional insurgent group. [[Security 2019](#), 1.1.2]

The estimated number of ISIL adepts in Iraq and Syria ranges from 2000 to 10.000 persons divided in 2000 – 5000 fighters and the rest to be supporters or members of sleeper cells. ISIL controls no territory in Iraq. The group reportedly remains active but is considered very weak



despite its sufficient combat capabilities to threaten security and stability. ISIL focuses on maintaining and expanding its rural sectors of support, rebuilding complex explosives networks such as Vehicle Born Improvised Explosive Device production cells, while the focus in urban areas is the reorganisation of the fighters in small mobile subgroups. Strategically, the group aims to undermine critical infrastructure projects such as electricity grids, highways and oil refineries to keep media coverage and relevance. They try to inflame sectarian grievances by targeting for example a holy Shia site in Khazraj in Salah al-Din and by attributing some of its attacks to Iranian backed militias. [[Security 2022](#), 1.3.1]

ISIL used bombings, indirect fire, IEDs and ambushes as methods of attack. They mainly rely on hit and run operations but were able to carry out two suicide attacks in Baghdad in 2021 due to the exploitations of the security gap created by the PMF's strive to push out the ISF from certain neighbourhoods. ISIL targets security forces, *mukhtars* and other community leaders, individuals who are providing evidence of ISIL movements/membership to security actors as well as critical infrastructure. To a lesser extent they set up fake checkpoints and conduct abductions of civilians and security officers to bring in the money. [[Security 2022](#), 1.3.1]

Sources reported that the systematic disenfranchisement of the Sunnis and the shifting of power between communities, provided fodder for non-state actors and extremist groups such as al-Qaida and ISIL to exploit grievances to gain community support along ethno-sectarian lines [[Targeting 2022](#), 2.1].

In regions under its control ISIL introduced its own judicial system based on a strict interpretation of the Sharia. Penalisation under this judicial system also resulted in severe human rights violations [[Targeting 2019](#), 2.1, 2.2; [Security 2019](#), 1.3.2, 1.4.1.1; [Security 2020](#), 1.2.5].

ISIL is held responsible for a wide range of human rights violations, inter alia:

- forced displacements
- forced conversions
- abductions
- systematic and widespread killing of those not in conformity with their ideology
- sexual violence, including sexual slavery
- human trafficking
- penalisation under ISIL's parallel justice system
- etc.

1.5. Tribes

Last updated: January 2021

According to available information, Iraq is home to approximately 150 tribes. Between 75 % - 80 % of the total Iraqi population are members of a tribe or have kinship to one.



Tribes are often involved in conflicts and armed with heavy weapons. Tribal transgressions can result in violence. It is also reported that tribes have enacted informal justice, revenge, assassinations and disappearances in tribal justice against ISIL suspects and continue to impede the return of persons perceived to have an affiliation to ISIL.

Tribal dispute mechanisms can involve violations of human rights such as the practice of 'fasliya' (family members, including women and children, are traded to settle tribal disputes) or 'honour' killings; it may also include retributive killings or banishment.

Persons who do not comply with the will of their tribe can also be subjected to human rights violations such as being ostracised, disowned and expelled or even being killed [[Targeting 2019](#), 3.6; [Actors of protection](#), 6.6; [Security 2019](#), 3.5].

1.6. Other non-State actors

Last updated: January 2021

*Minor updates added: June 2022

Human rights violations, which could amount to persecution or serious harm, are also committed by other non-State actors, such as family members or criminal groups.

Some examples include domestic violence by family members, honour-based violence, violence against LGBTIQ persons, FGM/C, mostly practiced in some regions of the KRG, etc. See the profiles of [2.13 Individuals perceived to transgress moral codes](#), [2.12 LGBTIQ persons](#), [2.16 Women](#), etc.

A range of armed actors are involved in criminality in Iraq and the actor may not always be identifiable. Often, it may involve militias or criminal gangs. According to available information, organised and street-level crime appear to have increased and 'kidnapping for political and monetary gain' was common in Iraq. It is also reported that criminal groups can operate with relative impunity given the pervasive corruption in institutions at all levels [[Actors of protection](#), 5.3.1.2; [Targeting 2019](#), 3.1.2; [Security 2019](#), 1.3.6].



2. Refugee status

This chapter provides a brief outline and general considerations with regard to the assessment of applications for international protection in relation to the elements of the refugee definition ([Article 2\(d\) QD](#)) and proceeds with the analysis of information concerning 20 particular profiles of applicants for international protection in relation to qualification for refugee status. For each profile, and in some cases the relevant sub-profiles, it provides: COI summary, risk analysis (including findings whether the treatment that an individual under this profile risks would amount to persecution and an assessment of the level of risk), and conclusions with regard to the potential nexus to a reason for persecution.



The contents of this chapter include:

- [Preliminary remarks](#)
- [Analysis of particular profiles with regard to qualification for refugee status](#)
- [2.1 Persons \(perceived to be\) affiliated with ISIL](#)
- [2.2 Sunni Arabs](#)
- [2.3 Human rights and political opposition activists and protesters](#)
- [2.4 Journalists and media workers](#)
- [2.5 Deserters from armed forces](#)
- [2.6 Individuals approached for recruitment by armed groups](#)
- [2.7 Former Baath party members](#)
- [2.8 Members of the Iraqi Security Forces \(ISF\), Popular Mobilisation Forces \(PMF\), Peshmerga and local police](#)
- [2.9 Individuals perceived to oppose ISIL](#)
- [2.10 \(Perceived\) collaborators of Western armed forces, organisations, or companies](#)
- [2.11 Humanitarian workers](#)
- [2.12 LGBTIQ persons](#)
- [2.13 Individuals perceived to transgress moral codes](#)
- [2.14 Individuals perceived to have committed blasphemy and/or apostasy](#)
- [2.15 Religious and ethnic minorities, and stateless persons](#)
- [2.16 Women](#)
- [2.17 Children](#)
- [2.18 Persons living with disabilities and persons with severe medical issues](#)
- [2.19 Persons involved in and affected by blood feuds in the context of tribal conflict](#)
- [2.20 Individuals accused of ordinary crimes](#)



Preliminary remarks

Last updated: January 2021

*Minor updates added: June 2022

All elements of the definition of a refugee in accordance with the QD should be fulfilled for the qualification of the applicant as a refugee:



Article 2(d) QD Definitions

'refugee' means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply;

According to [Article 9\(1\) QD](#):



Article 9(1) QD Acts of persecution

In order to be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention, an act must:

- (a) be sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or
- (b) be an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as mentioned in point (a).

In order for a person to qualify as a refugee, there must be a connection (nexus) between one or more of the specific reasons for persecution (race, religion, nationality, political opinion or membership of a particular social group), on the one hand, and the acts of persecution under [Article 9\(1\) QD](#) or the absence of protection against such acts ([Article 9\(3\) QD](#)), on the other.

The applicability of the respective reason(s) should be assessed in relation to [Article 10 QD](#).

Common analysis regarding specific profiles of applicants, based on their personal characteristics or affiliations with a certain group (e.g. political, ethnic, religious), is provided below.



An individual assessment is required for every application. It should take into account the individual circumstances of the applicant and the relevant country of origin information. Factors to take into account in this assessment may include, for example:

- home area ⁽¹⁰⁾ of the applicant, presence of the potential actor of persecution and their capacity to target a person of interest;
- nature of the applicant's actions (whether they are perceived negatively and/or whether individuals engaged in such actions are seen as a priority target by the actor of persecution);
- visibility of the applicant (i.e. to what extent it is likely that the applicant is known to or could be identified by the potential actor of persecution); noting, however, that the applicant does not need to be individually identified by the actor of persecution, as long as his or her fear of persecution is well-founded;
- resources available to the applicant to avoid persecution (e.g. relation to powerful individuals);
- etc.

The fact that an applicant has already been subject to persecution or to direct threats of such persecution, is a serious indication of the applicant's well-founded fear, unless there are good reasons to consider that such persecution will not be repeated ([Article 4\(4\) QD](#)). On the other hand, it should be noted that in order to establish well-founded fear of persecution there is no requirement of past persecution or threats. The risk assessment should be forward-looking.

A well-founded fear of being persecuted may also be based on events which have taken place and/or on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin ([Article 5 QD](#)).

When well-founded fear of persecution is established in relation to the home area of the applicant, the legal analysis should proceed with the examination of the existence of a nexus to a reason of persecution. In cases where the requirement of the nexus is not satisfied, the application should be examined under subsidiary protection (see the chapter [3. Subsidiary protection](#)).

Once well-founded fear of persecution as well as nexus have been established, the availability of protection in accordance with [Article 7 QD](#) should be explored (see the chapter [4. Actors of](#)

⁽¹⁰⁾ Protection needs are firstly assessed with regard to the applicant's home area in the country of origin. The 'home area' in the country of origin is identified on the basis of the strength of the applicant's connections with a particular area in that country. The home area may be the area of birth or upbringing or a different area where the applicant settled and lived, therefore having close connections to it.



[protection](#)). Where such protection is not available, the examination may continue with consideration of the applicability of internal protection alternative under [Article 8 QD](#), if applicable according to national legislation and practice (see the chapter [5. Internal protection alternative](#)).

In some cases, where the applicant would otherwise qualify for refugee status, exclusion grounds would be applicable. In the context of Iraq, various actors have been reported to commit excludable acts and such considerations may be particularly relevant (see the chapter [6. Exclusion](#)). The sections below make specific references to the relevance of exclusion considerations for certain profiles.



For further general guidance on qualification as a refugee, see EUAA [‘Practical Guide: Qualification for international protection’](#).



Analysis of particular profiles with regard to qualification for refugee status



This chapter refers to some of the profiles of Iraqi applicants, encountered in the caseload of EU Member States. It represents a non-exhaustive list and the fact that a certain profile is included in it or not is without prejudice to the determination of their protection needs. Furthermore, the order of listed profiles does not reflect any assessment of the level of risk of persecution.

While the conclusions under this common analysis could provide general guidance, the protection needs of each applicant should be examined individually. The non-exhaustive examples with regard to sub-profiles at a differentiated risk and of circumstances which would normally increase or decrease the risk are to be taken into account in light of all circumstances in the individual case.

In some cases, even if the applicant no longer belongs to a certain profile, they may still be targeted and have a well-founded fear of persecution related to their past belonging to such a profile.

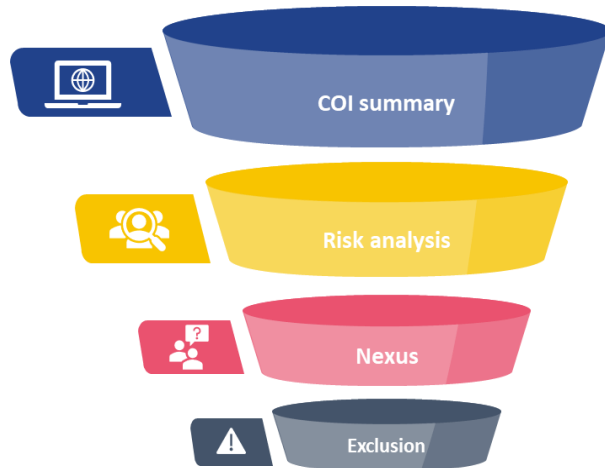
Family members, merely due to their relation to the refugee, may be at risk of persecution in such a manner that could constitute the basis for refugee status. It should also be noted that individuals belonging to the family, including children, of a person qualifying for international protection could have their own protection needs.

It should be highlighted that an individual applicant could fall under more than one profile included in this common analysis. The protection needs associated with all such circumstances should be fully examined.

The considerations under each profile should, furthermore, be viewed without prejudice to the credibility assessment of the applicant's claims. This common analysis deals solely with issues of risk analysis and qualification.

For each profile, the sections below provide:



**COI summary**

Brief summary and analysis of the available common COI, as referenced.

Risk analysis

Analysis whether the treatment of individuals under this profile may amount to persecution; and assessment of the level of risk, which highlights some of the risk-impacting circumstances, where relevant.

Nexus to a reason for persecution

Where individuals under the respective profile may have a well-founded fear of persecution, this sub-section analyses the presence of nexus to a reason for persecution in general. However, it should be underlined that more and/or different grounds may apply depending on the actor of persecution and/or the individual circumstances of the applicant.

Exclusion (if relevant)

In some cases, a further reminder that exclusion considerations may be relevant is included.



2.1. Persons (perceived to be) affiliated with ISIL

Last updated: June 2022

This profile refers to persons with (perceived) ISIL affiliation, and family members of individuals with (perceived) ISIL affiliation.

COI summary

The primary profile that is targeted by all security actors present in Iraq (including KRI) is people who have or are perceived to have some affiliation to ISIL.

Iraqi and KRI forces have screened thousands of individuals fleeing ISIL-held areas for ISIL affiliation, based on broad criteria. Suspicion of affiliation with ISIL can arise out of a broad range of circumstances, such as being men or boys of fighting age, family connection with alleged ISIL members, similarity of name to a name on the 'wanted list', alleged affiliation with a tribe perceived to have provided support to ISIL, the timing of a decision to leave or remain in an area held by ISIL, the stage of the conflict when an IDP arrived in a particular camp, absence of documents or false accusations. In this regard, see in particular the profiles [2.2 Sunni Arabs](#) and [2.15.1 Turkmen](#), as well as the profile [2.7 Former Baath party members](#).

(a) (a) Individuals with (perceived) ISIL affiliation

[[Targeting 2022](#), 1.1, 1.1.1, 1.1.2, 1.3; [KSEI 2021](#), 1.1, 3.3.3, 3.3.4]

People were reportedly arrested at checkpoints for not carrying identification documents. It was reported that the military and security forces would assume that men and boys who left ISIL-controlled areas without documents must be affiliated with ISIL and were therefore trying to conceal their identities. Reportedly, thousands of men disappeared after being arrested.

In Iraq, there is no national legislation for the prosecution of international crimes. Iraq charges and tries ISIL suspects under the Iraqi Anti-Terrorism Law No. 13 of 2005, which was criticised by the UN as 'ambiguous' and overly broad in its definition of terrorism. The law can lead to arbitrary trials on terrorism charges and death sentences, including for non-violent crime committed without the intent to terrorize the population. KRG charges and tries ISIL suspects under the KRI counter-terrorism law.

Iraqi forces have continued to arbitrarily and regularly arrest and to detain ISIL suspects, often for months and sometimes years, without a court order or an arrest warrant. Due process rights of ISIL suspects, such as seeing a judge within 24 hours, access to a lawyer, and notification of the family, are systematically violated. The terrorism trials were criticised by the UN as 'unfair' and based on extracted confessions allegedly obtained by torture, leading to convictions for terrorism crimes that can carry the death penalty. In January 2021 there were 22 380 people detained in Iraqi prisons convicted of terrorism-related offences, including 950 women. In November 2020, there were 4 000 prisoners on death row, most of whom convicted of



terrorism charges. Reportedly, Iraq executed 21 death row prisoners in October 2020, another 21 in November 2020 and 8 people during January and February 2021.

Lawyers who have provided legal services to individuals and families with perceived ISIL affiliation have also been reported as being threatened for providing their services.

Iraqi authorities can prosecute child suspects as young as 9 with alleged ISIL affiliation in Baghdad-controlled areas and 11 in the KRI. Security forces often apprehend children based on 'wanted lists' of names collected from villagers or from other suspects through interrogation and torture. Children were reportedly often forced by torture to confess alleged affiliations to ISIL. Cases of children being detained by Iraqi and Kurdish authorities for their alleged affiliation with ISIL without evidence of a committed crime were reported. They are often detained with adults, lack access to education and are denied contact with their families. The overall living conditions in most facilities remain dire. Children were exposed to a heightened risk of sexual violence, abuse, exploitation and neglect. Allegations of torture in detention or pre-detention facilities were rarely investigated. Contact with family members for detained children is often 'little' and when they are released from detention, they are often perceived as ISIL affiliates.

In January 2021, an estimated 2 294 children remained in detention in Bagdad due to their (perceived) ISIL affiliation with sentences averaging between 5 to 15 years. Iraqi's juvenile penal justice system is reported to be overwhelmed and overcrowded. In KRI, most children associated with armed groups left prisons, but reintegration services remain limited for children and returning children have faced many challenges reintegrating into their communities.

Those who had served their sentences in the KRI, including child suspects, were reportedly at risk of being arrested and tried twice for the same terrorism crime upon their return to their areas of origin in other parts of Iraq as the two systems exist in parallel and lack coordination. Dozens of Sunni Arab men in the KRI were examples of those at risk of rearrest and retaliation if they try to reunite with their families in areas controlled by Baghdad. Moreover, they were reportedly at risk of being arbitrarily detained or killed by armed groups due to their suspected ISIL affiliation with 'near impunity'.

There are also several reported cases of the PMF and security forces threatening family members of ISIL members or suspects to return home and provide information or face retaliation. Former ISIL suspects also reportedly had problems obtaining civil documentation.

(b) (b) Family members of individuals with (perceived) ISIL affiliation

[[Targeting 2022](#), 1.3, 1.3.1, 1.3.2, 1.3.3, 4.3.3; [KSEI 2021](#), 3.1.3, 3.2, 3.2.2]

The term for ISIL-associated family members (*awa'il Dawa'ish*) is explained by sources as being understood to have a broad definition:

The term 'ISIL families' is used quite broadly to describe families in which one member, normally a son or husband, joined or collaborated with ISIL. The degree of affiliation varies from



membership in ISIL's security apparatus as fighters to having been employed as cooks or cleaners.

The UN reportedly uses the term 'families with perceived affiliations' to refer to 'a group that does not include people accused or suspected of extremism or committing a terrorism offence, but who are nevertheless stigmatised due to a tribal or family connection to a Da'esh supporter'. In Iraqi culture, this could include anyone from a first degree to a sixth degree relative.

Family members of actual or perceived ISIL members remain displaced in camps across Iraq, often for years. They have been subjected to serious human rights violations and collective punishment, such as arbitrary arrests, harassment, sexual violence, exploitation, and forced displacement by armed actors, including PMF, ISF, militias, and by camp authorities. Once labelled as an 'ISIL family', they lose the support of their extended families, village or tribe.

Iraq has made official efforts to close camps in the second half of 2019. Many IDPs were unable to return to areas of origin due to barriers such as housing destruction, security concerns or risks of violence, inability to access civil documentation, re-displacement, etc. As tribes are taking on a significant role in the administering of tribal justice for ISIL family members and supporters, IDPs and returnees suspected of ISIL ties are at risk of retaliatory acts and false accusations by tribes which are sometimes blocking their return. By January 2021 Iraq had closed 26 camps, many of which were headed by female IDPs and whose families have been labelled as ISIL-affiliated. It has been reported that in late 2020, in the context of the Iraqi authorities efforts

to close all IDP camps, they granted many more people security clearance and issued them

new civil documentation. It has also been reported that in 2021, more people were allowed to return to their places of origin even if they were (allegedly) connected to ISIL, but some communities in southern Ninewa refused to take back families. In several cases, the PMF and security forces reportedly threatened family members of ISIL members or suspects to return home and provide information or face retaliation.

There were reports that individuals or families with perceived ISIL affiliation have been prevented from returning to their home areas or encountered barriers due to local decrees and other preventive measures stopping their return such as communal rejection, threats, harassment, physical violence and attacks on families attempting to return, threats of eviction, and inability to obtain civil documents and security clearances, etc.

If a person was found to have a family member who was suspected of ISIL affiliation, security clearance was denied. The security screening process is not standardized and there are differing rules, appeals, and processes which leave individuals vulnerable to exploitation while those that are issued to people leaving IDP camps are not always recognised by other security actors, meaning those returning or resettling are subjected to additional checks even as security clearance holders. There were also reports that families have been compelled by civilian authorities, security/armed actors of community/tribal groups to undergo procedures that



involve reporting ISIL affiliated relatives to the authorities (*ikhbar*) or disavowing these relatives by the tribal mechanism called *tabrea'a* in order to obtain security clearance. The practice of *tabrea'a* (disavowal) and *ikhbar* (denunciation) enabled some women to eventually apply for civil documentation. However, it was reported that female IDPs and heads of household 'may be exposed to additional threats' when trying to access civil documentation or when undergoing *ikhbar* due to harassment and sexual exploitation by officers. Similarly, it was reported that these women's main avenue for pursuing legal autonomy is *tabrea'a* (disavowal) but this procedure is freighted with additional burdens and perils including putting her detained or missing husband at risk by testifying, that he is connected to ISIL. Additionally, the process is administratively difficult, costly, and surrounded by corruption.

Families with missing identity documents have been marginalised and denied access to education, healthcare, the state justice system, social welfare, etc. Moreover, the lack of civil ID and security clearance is giving rise to fear of arrest or detention at checkpoints.

Female-headed households with perceived ISIL affiliation encounter particular difficulties and challenges in obtaining documents for themselves or their children in case the father died or disappeared.

Women whose husbands are missing or dead also face additional obstacles to obtain humanitarian and government assistance. Moreover, these women are reportedly limited in their ability to participate in tribal mechanisms to facilitate return, obtain security clearances, or engage in paid work, and may be rejected by their communities.

Many children of families perceived to have ISIL affiliation lack civil documentation. Undocumented children are reported to be at risk of statelessness and have difficulty to access essential services, including education and healthcare. See also the section on [Children born under ISIL who lack civil documentation](#) under the profile [Children](#).

Risk analysis

In itself, the prosecution of the criminal acts of insurgents does not amount to persecution.

The acts to which individuals under these sub-profiles could be exposed are of such severe nature that they would amount to persecution (e.g. arbitrary arrest, death penalty, torture, ill-treatment, forced disappearance, sexual violence). When the acts in question are (solely) discriminatory measures, the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

In case of individuals with (perceived) affiliation with ISIL, in general, a well-founded fear of persecution would be substantiated, as persons perceived to be associated with ISIL are a priority target of all security actors.

For family members with (perceived) ISIL affiliation, the individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk impacting circumstances such as: family status (eg. single or widowed woman, female heads



of households, child with single or widowed mother and/or a foreign, dead or missing father), tribal affiliation, area of origin.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see the chapter [6. Exclusion](#)).

2.2. Sunni Arabs

Last updated: June 2022

This profile refers to Sunni Arabs from Iraq.

For Sunni Arabs who may be perceived to be associated with ISIL, see [2.1 Persons \(perceived to be\) affiliated with ISIL](#).

For Sunni Arabs who may be affected by the de-Baathification process, see [2.7 Former Baath party members](#).

COI summary

[Main COI reference: [Targeting 2022](#), 2.1]

Sunni Arabs are a minority in Iraq (making up 24% of the population) but form a majority in the Central governorates. There is a long history of tensions between Sunni and Shia Arabs. Sectarianism rapidly increased in violent waves after the 2003 US invasion. [[Security 2022](#), 2.4.1, 2.5.1, 2.6.1, 2.7.1]

Al-Qaeda in Iraq, the Sunni resistance movement against US occupation after the 2003 removal of Saddam Hussein, targeted not only US and foreign occupation forces, but also the local Shia population, thus fuelling sectarian tension that culminated in a civil war in 2006-2007.

Sunni marginalisation continues to be highlighted by Iraq experts and policy analysts when commenting on the status of Iraq's Sunni Arabs.

Sources reported that the systematic disenfranchisement of the Sunnis and the shifting of power between communities provided fodder for non-state actors and extremist groups such as al-Qaida and ISIL to exploit grievances to gain community support along ethno-sectarian lines.



(a) Perceived affiliation with ISIL

[[Targeting 2022](#), 1.3.1, 2.2]

Sunni Arabs may be perceived to be affiliated with ISIL based on certain individual factors, such as (perceived) family links to ISIL members, area of origin and time of fleeing, tribe, name, etc.

Sunni Arab IDPs have reportedly been prevented by the KRG from returning to their homes in disputed territories and in areas that KRG forces had taken from ISIL, while Kurdish villagers were allowed to return. In 2020, entry limitations for IDPs and refugees reportedly depended on their ethno-sectarian background and the area to which they wished to return. Some Sunni Arab IDPs from certain governorates were reportedly explicitly barred from returning by militias under the pretext that they co-operated with ISIL during the period of conflict, while others feared revenge attacks by militias for non-ISIL-related reasons.

In 2020, the government continued to use the antiterrorism law as a pretext for detaining young Sunni men without due process. Numerous cases of arbitrary arrests, detentions, abuse and torture during arrest and in pretrial detention of Sunni Arabs by government forces were reported. Spouses and family members of Sunni Arabs who were wanted on terrorism charges were reportedly detained to compel their surrender.

In parts of the country where they form a minority, Sunnis reportedly continued to face verbal harassment and restrictions from authorities in 2020, such as confiscation of properties by Shia militias and the Shia Endowment. It has also been reported Sunni Arabs were stopped, harassed, and arrested in Salah al-Din on their perceived ties to extremist groups like ISIL. In addition, the militias were reportedly accused of extreme human rights violations, including unlawful killings of Sunni citizens, as well as land grabs and economic extortion that have damaged the private and general economic interests of Sunnis in the province. Shia militias continued to forcibly displace Sunnis, leading to widespread demographic changes, particularly in the Al-Madain district on the outskirts of Baghdad and along the Iraq-Iran border.

Moreover, in 2020 and 2021, ISIL and Shia militias operating as part of the PMF reportedly carried out attacks in the areas surrounding the capital (known as the ‘Baghdad Belts’) with the aim of perpetuating ethnic conflict and displacement, igniting tension between the local Sunni and Shia communities and, in the case of ISIL, increasing Sunni disillusion with and isolation from the Iraqi state.

See the profile [2.1 Persons \(perceived to be\) affiliated with ISIL](#).

(b) Treatment in relation to the de-Baathification process

Sunnis report that they face discrimination in public sector employment as a result of the de-Baathification process, a process originally intended to target loyalists of the former regime. According to Sunnis and local NGOs, the government continues the selective use of the de-



Baathification provisions of the law to render many Sunnis ineligible for government employment but did not do so to render former Shia Baathists ineligible.

See the profile below concerning [2.7 Former Baath party members](#).

(c) Situation of Sunni Arabs in Baghdad

Militias in Baghdad are frequently accused by Sunnis of directing violence against them. Sunnis primarily fear being targeted for extortion, kidnapping, or having their property taken away by Shia militias in Baghdad. Sources reported that attribution of responsibility for attacks to specific perpetrators in Baghdad is difficult, and explosives are used for both political and criminal purposes to attack and intimidate targets. Determining actors can be difficult, though most likely they primarily involve militias and gangs; due to the strong links between the two, distinguishing between them is not always possible.

Risk analysis

The acts to which Sunni Arabs perceived to be affiliated with ISIL could be exposed to are of such severe nature that they would amount to persecution (e.g. arbitrary arrest, death penalty, torture). In other cases, individuals could be exposed to (solely) discriminatory measures, and the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Available information indicates that the mere fact that an individual is a Sunni Arab would normally not lead to a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of origin, tribe, age, gender etc.

In case of perceived affiliation with ISIL, in general, a well-founded fear of persecution would be substantiated (see [2.1 Persons \(perceived to be\) affiliated with ISIL](#)). The assessment of whether the applicant would be perceived to be affiliated with ISIL would depend on individual circumstances, such as (perceived) family links to ISIL members, place of origin and/or residency in a formerly ISIL-held area during ISIL control and time of fleeing, (perceived) tribal affiliation with ISIL, name, etc.

Nexus to a reason for persecution

Available information indicates that, depending on the individual circumstances, persecution of this profile may be for reasons of (imputed) political opinion (e.g. ISIL affiliation, Baath party), and in individual cases, race (ethnicity, e.g. in cases of blocked returns by KRG) and/or religion.



2.3. Human rights and political opposition activists and protesters

Last updated: June 2022

This profile refers to the situation of human rights and political opposition activists and protesters in Iraq and in the KRI.

For guidance on women willing to take part to protests and facing restrictions based on moral norms, see also the profile [2.13 Individuals perceived to transgress moral codes](#).

COI summary

[\[Protesters, Targeting 2022, 3.1.1, 3.1.2\]](#)

Freedom of expression as well as of assembly and peaceful protest are enshrined in the Iraqi constitution. Political protests have taken place regularly in Iraq over the past few years and, in many cases, they were met with a violent response both from state security forces and armed militias. The protests have varied in scope and focus between different regions. Protests were directly linked with many incidents in which political opposition and human rights activists were targeted.

On 1 October 2019, protests in Baghdad and several other governorates marked the beginning of the largest mass protest movement in Iraq's recent memory. The protests can be divided in three stages: from 1 to 9 October 2019, from 25 October to March/April 2020, and protests that began in May/June 2020. [\[Targeting 2022, 3.1.1\]](#)

The number of protesters taking part varied throughout autumn and winter 2019/2020, with most sources referring to thousands or in some cases tens of thousands of protesters. Following the national curfew due to the COVID-19 pandemic, protests re-emerged in May/June 2020 with markedly fewer participants. During the period from August 2020 to October 2021, protests continued. The protesters' demands included extensive reform, work opportunities, the improvement of public services, justice and accountability of those targeting protesters and activists, an impartial government, an increased accountability, and an end to corruption. Protests also took place due to the delays in the payment of salaries, because of the pandemic, as well as due to the electricity crisis. [\[Targeting 2022, 3.1.1\]](#)

As the protests developed, the demands raised developed with them, entailing systemic change, such as resignation of the government and new elections, as well as constitutional changes, and an end to Iraq's post-2003 ethno-sectarian political system and to pro-Iran militias' influence. Additionally, people took part in demonstrations due to anger at the violent response with which initial protests were met. [\[Targeting 2022, 3.1.1, 3.1.2\]](#)



(a) Human rights and political opposition activists and protesters in Iraq

[[Targeting 2022](#), 3.1.1, 3.1.2, 3.1.4, 5.3, 5.4.1]

The protests predominantly took place in Baghdad and the central and southern Shia-majority provinces. The protesters mostly did not belong to any particular political party or subscribe to any particular view or ideology. Protesters from demographically diverse groups were taking part, such as young men, women, seniors, school children, students, and professionals. The protests did not have any unified or formal leadership. However, in October 2021, following the results of the parliamentary elections, many supporters of Shia parties protested in provinces throughout the country against the election results that were announced on 16 October 2021. See also '[General remarks](#)'.

The protests were met with violence on the part of Iraqi security forces and other forces, such as (Iran-backed) militias and parts of the PMF, causing a high number of casualties. Hundreds of fatalities and thousands of injuries during demonstration across Iraq were documented in the period between October 2019 to April 2020. Most of those killed died due to shots to the head or chest through live ammunition. Deaths because of the use of military grade teargas canisters and because of arson of buildings were also recorded. Most of these incidents were attributed to state security forces. Armed militias, usually anonymous and aiming to suppress demonstrations, attacked protesters and activists at protests and elsewhere. It has been reported that, after the end of the October 2019 protests, violence against activists shifted from indiscriminate killings to targeted assassinations.

Large numbers of people have been arrested throughout the protests, typically without a warrant, but most of the demonstrators have been released and those remaining in detention have been charged pursuant to the Iraqi Criminal Code. By mid-February 2020, 2 800 people had been arrested, of which all but 38 had been released. Violent response, arbitrary arrests and detention continued in 2020 and 2021. In the period from October 2019 until the end of 2020, clashes between protesters and security forces, including the PMF, resulted in the death of hundreds of protesters and security forces in Baghdad and other southern cities. As of May 2021, 20 protesters who had disappeared remained missing.

While in detention or while in captivity, protesters have been subjected to beatings, ill-treatment, and sometimes electrocution. There were also reports of detainees and/or abductees being forced to sign a pledge not to take part in further protests, before being released. In the context of kidnappings, information on the participation in protests, the political affiliation of the protester and sometimes information on other protesters, was also sought. Sources further refer of rumours of a government-compiled 'blacklist' of wanted protesters.

In relation to the protests that started across Iraq in October 2019, human rights defenders were reported to have been targeted with assassination attempts, attacks, abductions, arbitrary arrests, detentions, and threats by unidentified armed groups.





Since the start of the anti-government protests in October 2019, 81 attempted killings of activists were reported. 34 activists were reportedly killed. Human rights defenders and activists were also reported to have been tried on charges of defamation.

Protests have not taken place in Sunni-majority areas as the authorities restricted the opportunity to hold demonstrations by either arresting people for calling for protests or even for expressing support on social media for protests taking place elsewhere.

Sources report that, in a limited number of cases, members of ISF have been removed from their positions, or have been arrested, charged, or sentenced, or in which arrest orders have been issued, on the basis of violence perpetrated against protesters. Little information is found concerning actions taken against other armed forces involved in violence against protesters.

There are no official investigations conducted by law enforcement authorities to locate the missing and to identify and prosecute those responsible. It was also reported that family members reporting persons missing to the police were not receiving any help. There were also cases where family members or a victim have reported kidnappings to the police, which in turn lead to the family being threatened and the victim being kidnapped by the same group again.

The government has started paying compensations to the injured and to the families of those killed.

Internet freedom in Iraq was limited, physical attacks by government authorities and armed groups against internet users for their online activities were reported. Online activists were among the categories being targeted due to their online activity, suffering both physical attacks and harassment. In Iraq, intimidation, arrests and assassinations of online activists was a relatively regular occurrence. As a result, online activists stopped posting content that criticised or expressed their opposition to the government and party policies online.

Social media platforms are reportedly monitored by so-called electronic armies and militias, in order to target activists and expose their physical location.

(b) Human rights and political opposition activists and protesters in KRI

[[Targeting 2022](#), 3.2.1, 3.2.2, 3.2.4, 5.1, 5.3, 5.4.2]

Throughout 2020 and in 2021, protests have been taking place in the KRI, mostly in the governorates of Sulaymaniyah, Halabja and Duhok, although to a smaller extent than in other parts of Iraq. In 2020 in the KRI, the number of protests reportedly rose significantly. The protesters' demands included better basic services and job opportunities, the lifting of restrictions due to the COVID-19 pandemic, the payment of unpaid wages, an end to corruption and an investigation into the wealth of members of the two main parties in the region, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan party (PUK).





The KRG response to the protests was, in many cases, violent and caused clashes with the protesters.

In the August 2020 truck drivers' protests, it has been reported that security forces were 'deployed immediately to forcefully disperse the crowd and prevent any media coverage of it'. Following the protests, approximately 100 people, mostly activists and journalists, were detained. Campaigns aiming to intimidate political opposition-oriented activists continued taking place in the rest of 2020 in KDP and PUK-controlled areas.

In December 2020, protests took place in Sulaymaniyah and in other areas of the KRI, in relation to unpaid wages and corruption and were reportedly met with violent response from security forces who used excessive force against the protesters, which resulted in tens of fatalities, including of underage protesters. In addition, the authorities arrested and released activists and also limited internet access and banned press coverage of the protests.

In September 2021, residents in Erbil's Taajili Nwe neighbourhood were protesting in relation to subpar public services. This constituted the latest in a series of protests in the area due to the government not providing basic infrastructure. Activists and protesters were arrested for criticizing COVID-19 lockdown measures, corruption and unpaid salaries and detained by the authorities. Some were released but a lot remained detained.

KRI was considered a safer place for online activists for many years, however that was no longer the case due to crackdowns on journalists and media in September 2020.

Online activists were being harassed and intimidated online. There were also cases where they were physically hurt, even killed, by state and non-state actors because of content they would post online. Courts in the KRI ruled in some cases against attempts to penalize activists for the content they posted online, however those who targeted them were very rarely punished. It has also been reported that, in December 2020, the KRI authorities arrested many young men because they were calling for protests in posts on social media.

Most of the incidents targeting activists were related to the attempts by the authorities to prevent media coverage of the protests and were recorded between March and August 2020.

In the KRI, the targeting of civil society activists has been reported to intensify since August 2020. As reported in October 2021, 55 out of 81 activists arrested by the KRI authorities in the period between August and October 2020 remained in detention, with only five activists being brought to trial. Most activists were arrested under the charges of 'undermining the security and stability of the region' which is punishable by life imprisonment under Article 1 of Law No. 21 of 2003.

Human rights activists were reported to have faced arrests by the KRI authorities. Activists criticizing social and economic situation were arrested and tried on defamation charges. They may be subject to arbitrary arrests, abductions, death threats, killing and assassination. Investigations into killings have not been carried out with due diligence in the past and there has been little to no accountability in recent years.



Risk analysis

Legitimate actions of law enforcement would not amount to persecution.

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. assassination, arbitrary arrest, unlawful detention, torture, beatings, abduction).

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: leadership role and/or degree of involvement in the protests, nature of activities, political and/or sectarian background of the individual, gender, visibility, being known to the authorities (e.g. previous arrest), etc. The sole fact of participating in a protest in the past may not be sufficient to establish a well-founded fear of persecution.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.

2.4. Journalists and media workers

Last updated: June 2022

This profile refers to the situation of journalists and media workers in Iraq and in the KRI. For guidance on political opposition activists, see the profile [2.3 Human rights and political opposition activists and protesters](#).

COI summary

[[Targeting 2019](#), 1.11, 1.12; [Targeting 2022](#), 5.1; [Actors of protection](#), 8.3; [Protesters](#), 3.1.5, 3.1.6]

The Iraqi Constitution of 2005 at art.38 guarantees ‘freedom of the press, printing, advertisement, media and publication’ if it ‘does not violate public order and morality’. However, Iraq is regarded as one of the world’s most dangerous countries for journalists.

Journalists targeted in Iraq are particularly those who engage in critical reporting on controversial political or other sensitive issues (e.g. corruption, abuse of authority, weak government capacity, protests) or are seen as criticising government officials. According to relevant sources, media workers, journalists and human rights activists who are particularly critical of PMF or militias have been targeted for their work. The attacks included intimidation, ill-treatment, abductions, arbitrary arrests, and killings. The perpetrators are not always clearly



identifiable, however attacks in the context of protests have been attributed to both governmental agencies and PMF. It has also been reported that television stations were raided and live coverage from the protests was prohibited.

Media workers and journalists may also be targeted by militant opposition groups including ISIL. Their murders go unpunished and investigations generally yield no results.

Protests were directly linked with many incidents in which journalists and media workers were targeted.

(a) Journalists and media workers in Iraq

[\[Targeting 2022, 3.1.3, 5.1\]](#)

The situation of journalists and media workers was reported to have deteriorated since the eruption of anti-government protests in October 2019. In September 2021, the Gulf Centre for Human Rights (GCHR) reported that many Iraqi journalists feared for their safety because of ‘an increase in targeted violence’ against journalists ‘during the past two years,’ while the authorities ‘failed to implement measure to support journalists and protect the rights to freedom of expression both online and offline.’ Besides being subjected to censorship, journalists and media workers risked arbitrary arrests and detention, intimidation, attacks, and abductions.

As noted by USDOS in its Human Rights Report for 2020, journalists, who covered sensitive topics were threatened by various ‘nongovernmental and quasi-governmental actors, including militias outside of state control, terrorist groups, and criminal organizations.’ Hundreds of cases of targeting of media workers in the country were documented in 2020, including assassination, arrest, detention, beating, obstruction of coverage, confiscation of photographic equipment, as well as attacks on or closure of media institutions. Most of these incidents reportedly occurred during protests and demonstrations.

(b) Journalists and media workers in KRI

[\[Targeting 2022, 3.2.4, 5.1, 5.2.2\]](#)

KRI was considered a safer place for journalists for many years, however that was no longer the case due to crackdowns on journalists and media in September 2020.

Between August 2020 and September 2021, the KRI security forces raided and, in some cases, closed media offices and headquarters in Dohuk, Erbil and Sulaymaniyah allegedly for covering the protests and violating Article 2 of Law 12 of 2010, which bars encouraging a public disturbance or harming social harmony in accordance with KRI law.

Several cases of criminal proceedings were initiated in the KRI from March 2020 to 30 April 2021 against journalists and social media activists, who either covered the protests or wrote



critical opinions about the KRI authorities. Basic rights and procedural safeguards were reportedly either disrespected or limitedly respected during respective court trials. Journalists were detained ‘on charges of spying or endangering state security’ after their confession was ‘extracted under torture or by means of threats’.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killings, arbitrary arrest, detention, ill-treatment, kidnapping).

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: nature of activities (topic they report on), political and/or sectarian background of the individual, gender, visibility, being known to the authorities, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.

2.5. Deserters from armed forces

Last updated: January 2021

This profile addresses the issue of desertion from the army, PMF, ISF, and the Peshmerga.

COI summary

(c) Army

[\[Targeting 2019, 1.8.1\]](#)

According to the Military Penal Code, ‘Whoever is absent without proper legal justification from his unit or place of duty or exceeds the duration of his leave at time of peace for more than (15) fifteen days for lower ranks and (10) ten days for officers, shall be punishable with imprisonment not exceeding (3) three years’.

Certain offences which incorporate an element of desertion are punishable by the death penalty. The most important ones being:

- desertion to join the enemy;



- relating to failure of personnel to perform their duty in the circumstances leading to the surrender of themselves or other members of the armed forces and surrender of military installations and military objects or territory;
- passing of secret documentation or information to hostile powers during peace or wartime;
- inciting revolt, desertion, or defection of members of the armed forces to the enemy;
- inciting insubordination or disobedience among other members of the armed forces;
- disclosing military operations and military secrets to the enemy;
- spreading panic within the armed forces through misinformation; and
- communicating secretly with enemy forces.

During the rise of ISIL, many military staff deserted and were threatened with harsh punishments.

A 2016 decision halted the legal pursuit of security officers and granted them amnesty. The gathered information suggests that the Military Penal Code is not strictly enforced to its full extent and no court cases against deserters are known.

(d) PMF

[[Targeting 2019](#), 1.8.1; [Actors of protection](#), 5.4.2]

PMF are voluntary forces and no draft applies. There is no information on consequences for deserters; however, some sources noted that ‘desertion of low-level members of the PMF would have no consequence or retribution whereas for high-level members there would be repercussions’.

(e) Iraqi Security Forces

[[Targeting 2019](#), 1.8.2]

The Internal Security Forces Penal Code applies to all officers and enlisted ranks of the Internal Security Forces who are in service, students at facilities in training with ISF, and retirees or those out of ISF service who committed applicable crimes while in service. Special Internal Security Forces Criminal Courts have been set in five cities.

The Internal Security Forces Penal Code does not contain any provisions relating to ‘desertion’, however, it addresses ‘the crime of absence’. The punishment varies depending on the position of the individual, including, for example, deduction of salary for a policeman who has been absent for less than 15 days during ordinary circumstances, and ‘at least one year’ for Internal Security Forces personnel who have been absent for more than 10 days during disturbances or states of emergency.



A report from 2014 notes that a general amnesty was issued for members of the Internal Security Forces who had been absentee or left without permission. In accordance with it, civilians who left their jobs without permission were deemed to have resigned after ten days.

(f) Peshmerga

[[Targeting 2019](#), 1.8.3]

The Peshmerga recruits sign a contract for a fixed period, after which the individual is free to leave. Several sources have noted that ‘it can be more difficult for high-ranking Peshmerga to leave, and there can be repercussions, but not for low-ranking Peshmerga.’ One source has observed that ‘the punishment for desertion, depending on the circumstances, goes from cancellation of contract and all the way up to death sentence’; however, no such cases had been brought before a court of law before 2015 or become known in more recent reports.

Risk analysis

Prosecution and punishment for desertion in itself, when proportionate, is not considered persecution, except if [Article 9\(2\)\(e\) QD](#) applies.

The death penalty would amount to persecution. Desertion is only punishable by the death penalty where certain additional circumstances apply (e.g. being perceived as escaping to join or communicate with the enemy).

Based on the fact that there are no reports of the death penalty being imposed by courts for desertion-related offences, the risk is considered very low. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: which forces the applicant belongs to, rank/position of the applicant, situation during which the desertion occurred (e.g. during disturbances or state of emergency), etc.

Nexus to a reason for persecution

According to available information, if well-founded fear of persecution could be substantiated in the individual case, such persecution would be for reasons of (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see the chapter [6. Exclusion](#)).



2.6. Individuals approached for recruitment by armed groups

Last updated: January 2021

This section addresses the issue of recruitment by different armed groups. For child recruitment see [2.17.5 Child recruitment](#) under the profile [2.17 Children](#).

COI summary

(a) Recruitment by ISIL and affiliated groups

[[Targeting 2019](#), 2.3, 3.8.1]

During the rise of ISIL, the group had no shortage of volunteers, however forced recruitment of young professionals whose skills were needed did occur. Such recruitment particularly affected doctors. Pressure and coercion to join ISIL could be violent, but could also be exercised through the family, clan or religious network, depending on the local circumstances.

(b) Recruitment by the PMF

[[Targeting 2019](#), 1.1.2, 1.3.1, 1.6, 3.8.1; [Actors of protection](#), 5.4; [Security 2019](#), 1.4.3, 2.3]

The recruitment to the PMF is entirely on a voluntary basis. Many join the PMF for economic reasons, because the salaries are attractive, compared to the rest of Iraq. The PMF are very influential and they are popular among the majority of the population for their effort to defeat ISIL. Forced recruitment of fighters did not occur in the PMF, but there have been small scale reports that men might have faced social pressure to join a militia, including after the downfall of ISIL; and in some cases returns are conditioned on the commitment of families to enlist one or more male family member into government-affiliated armed groups.

(c) Recruitment by the Peshmerga

[[Actors of protection](#), 8.1.2; [Targeting 2019](#), 1.6.1, 1.8.3, 3.8.1]

Recruitment by the Peshmerga is on voluntary contractual basis and there are no reports of forced recruitment. However, pressure from family and surroundings is possible.

Risk analysis

Forced recruitment is of such severe nature that it would amount to persecution.



Given that the intensity of armed confrontations and military operations has declined significantly, and based on the COI that forced recruitment at the moment seldom occurs, it can be concluded that well-founded fear of persecution would only be substantiated in exceptional cases.

The individual assessment of whether there is a reasonable degree of likelihood to face persecution should take into account risk-impacting circumstances, such as: gender, area of origin, ethnic/religious background (e.g. Kurds for the PKK, Sunni Arabs for ISIL), age, the presence/influence of armed groups, etc.

Nexus to a reason for persecution

While the risk of forced recruitment as such may not generally imply a nexus to a reason for persecution, the consequences of refusal, could, depending on individual circumstances, substantiate such a nexus, among other reasons, to (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see the chapter [6. Exclusion](#)).

2.7. Former Baath party members

Last updated: January 2021

This profile includes persons that were and/or are members of the banned Baath party, including those that have collaborated with ISIL or other armed groups.

COI summary

[[Targeting 2019](#), 1.7; [Security 2019](#), 1.1.1, 1.3.4]

The Arab Socialist Baath party, which ruled Iraq from 1968 to 2003, since 1979 under Saddam Hussein, has been described as a brutal authoritarian regime. During the 1980s, approximately 10 % of the Iraqi population were members of the Baath party. Saddam Hussein and the Baath party used violence, killing, torture, execution, and various forms of repression to control the population.

Shortly after the collapse of Saddam Hussein's regime in 2003, a series of legal and administrative measures were introduced with the objective of preventing the Baath party from returning to power. The de-Baathification process consisted of a broad policy aiming to eliminate senior Baath party members from the civil service and disbanding the Iraqi armed forces and security services. In May 2003, 400 000 military conscripts, officers and government officials were made unemployed by the de-Baathification order. The de-Baathification proved to polarise Iraqi politics; whilst Shia political parties supported the process, Sunnis eventually



considered it as a sectarian instrument wielded to prevent Sunnis from participating in public life. It is reported that the government continues the selective use of the de-Baathification provisions of the law to render many Sunnis ineligible for government employment, without affecting former Shia Baathists in the same way.

It should be taken into account that the new constitution implemented in 2005 effectively banned the Baath party. In addition to that, a Bill passed by the Iraqi Parliament in July 2016 formally banned the Arab Socialist Baath Party from exercising any political or cultural or intellectual or social activity under any name and by any means of communication or media.

In 2018, it was revealed that 14 former officials from the Saddam-era were still in prison in Iraq. The Iraqi government also ordered the seizure of assets which previously belonged more than 4 200 former Baathist officials, including their spouses and relatives.

Despite the constitutional ban, some remnants of the former Baath party remained active, including during the ISIL conflict.

Even though not all former Baathists were enthusiastic about ISIL, the remnants of the party generally shared relations with the Islamic State. There has been a close cooperation between the remnants of the former Baath Party and ISIL not least because of the shared hatred of the Shia-led government in Iraq. Saddam-era Baathist military and police officers were recruited by ISIL. It was also reported that former Saddam-regime officers ran three of the most crucial of ISIL's 23 portfolios: security, military and finance. The list of the most wanted ISIL members published by Iraqi authorities in February 2018 contained several high-ranking former Baath party members.

On the one hand, ISIL recruited former Saddam-era Baathist military and police officers who have been a powerful factor in the rise of ISIL and were instrumental in the survival of its self-proclaimed caliphate. On the other hand, former Baathists had their own political goals in mind and were aiming for the establishment of a Sunni-dominated tribal nation from Damascus to Fallujah to Mosul, thus covertly undermining ISIL's caliphate.

The former Baathists were not able to compete with ISIL. In fact, many former Baathists were arrested and killed by ISIL due to rivalry. To tame any opposition, ISIL arrested a number of local Baath party leaders and members in 2014, suggesting fractures in the local Baathist-ISIL alliance.

Former Baathists and their properties, particularly those belonging to former officers of the Iraqi Army under Saddam Hussein, were also targeted in the military operations against ISIL by the pro-government forces, including militia groups.

Risk analysis

Some actions to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, arrest by ISIL). In other cases, individuals could be exposed to (solely) discriminatory measures, and the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.



In general, the risk of persecution for a regular Baath party member is minimal and dependent on the specific individual circumstances. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: supporting in public the ideology of the Baath party, having had a high-ranking position in the party, being a former Saddam-era military or police officer, having served in the intelligence services during the Saddam regime, potential (perceived) affiliation with ISIL, etc.

See also the profiles above concerning [2.1 Persons \(perceived to be\) affiliated with ISIL](#) and [2.2 Sunni Arabs](#).

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see the chapter [6. Exclusion](#)).

2.8. Members of the Iraqi Security Forces (ISF), Popular Mobilisation Forces (PMF), Peshmerga and local police

Last updated: January 2021

*Minor updates added: June 2022

This profile refers to members and former members of the Iraqi Security Forces (ISF), Popular Mobilisation Forces (PMF), the Peshmerga and local police.

COI summary

[[Targeting 2019](#), 2.1, 2.3.1, 2.3.2; [Security 2019](#), 1.4.1.1]

When ISIL took control over large parts of Iraq in 2014, it immediately started targeting a broad array of opponents to their rule, including members of security personnel, who risked being assassinated or abducted by ISIL.

Members of the ISF, the PMF, the Peshmerga and the Iraqi police continue to be primary targets for ISIL and to be targeted by the organisation. During 2018, ISIL continued to carry out asymmetric attacks against Iraqi security forces in northern and north-central Iraq (Ninewa, Salah al-Din and Kirkuk) and in the central region (Diyala, Anbar and Baghdad). For additional information, see [The Islamic State of Iraq and the Levant \(ISIL\)](#).



Instances of targeting of former members of the aforementioned forces were also reported.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing and abduction).

Members of the ISF, PMF, Peshmerga and local police continue to be primary targets for ISIL. However, since ISIL's operational capabilities have diminished significantly, the threat posed by ISIL to individuals under this profile has decreased compared to previous years.

Accordingly, not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of work and origin (proximity to areas where ISIL continues to operate), visibility of the applicant, position within the organisation, period since leaving the forces, personal enmities, etc.

Nexus to a reason for persecution

Available information indicates that the persecution of this profile is highly likely to be for reasons of (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see the chapter [6. Exclusion](#)).

2.9. Individuals perceived to oppose ISIL

Last updated: January 2021

This profile refers to individuals perceived to oppose ISIL, such as local politicians and tribal leaders.

See also the profile above concerning [2.8 Members of the Iraqi Security Forces \(ISF\), Popular Mobilisation Forces \(PMF\), Peshmerga and local police](#).

COI summary

[[Targeting 2019](#), 2.3.3, 2.3.4; [Security 2019](#), 1.4, 1.4.2.2, 2.3.1, 2.3.4, 2.4, 2.5]

In 2018, ISIL's focus increasingly shifted towards targeting local authorities. Targeting village chiefs was part of a strategy to depopulate strategic areas by driving out pro-government tribal leaders.



Local authorities, tribal elders, village chiefs and others were abducted and killed by ISIL in 2018. It is estimated that in the first ten months of 2018, ISIL killed 148 village *mukhtars* and tribal leaders, district council members and security forces leaders. ISIL targeted local *mukhtars*, particularly in Ninewa, accusing them of providing information on their movements. Between 1 January and 18 August 2018, seven *mukhtars* were killed and two others were wounded by ISIL in Ninewa governorate.

In the context of the May 2018 elections, ISIL targeted parliamentary candidates, as well as tribal leaders who supported the elections.

Such direct attacks, including assassinations of *mukhtars*, civil authorities, tribal mobilisation force members, and civilians who are branded as ‘collaborators’, are usually for intimidation and reprisal purposes. There are also reports of targeting of the relatives of tribal leaders.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing and abduction).

Since ISIL’s operational capabilities have diminished significantly, the threat posed by ISIL to individuals under this profile has decreased compared to previous years.

Accordingly, not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of work and origin (areas where ISIL continues to operate), tribal affiliation and the tribe’s standing vis-à-vis ISIL, visibility of the applicant, position within the community, public expression of support for the government or condemnation of ISIL’s actions, personal enmities, etc.

Nexus to a reason for persecution

Available information indicates that the persecution of this profile is highly likely to be for reasons of (imputed) political opinion and/or religion (e.g. when they are accused as *takfir* by ISIL).

2.10. (Perceived) collaborators of Western armed forces, organisations, or companies

Last updated: June 2022

This profile includes, in particular, individuals who are or were associated with the US forces and foreign oil companies, such as interpreters, engineers and drivers.



COI summary

[[Targeting 2019](#), 1.9; [Targeting 2022](#), 9.1]

Personnel who worked for the United States between 2003 and 2011 often did so at great risk to themselves and their families. Targeting of this profile, in particular by Shia militias, was prevalent in the period before the US troops were pulled out of Iraq in December 2011, and especially in the most violent period between 2005 and 2008.

The assassination of Iranian's Islamic Revolutionary Guard Corps (IRGC) Quds Force commander, Qasem Soleimani, and his ally, Abu Mahdi al-Muhandis, Deputy Chief of the PMF, in January 2020, marked a significant increase in targeting of Iraqis collaborators of the US Coalition and other western forces. Multiple attacks by Iran-backed PMF and façade groups using hand-thrown grenades, missiles, gunfire or IEDs against Iraqi-operated logistics convoys contracted by the US-led Coalition began and have continued up until the end of October 2021. The attacks occurred mostly in southern and central Iraq governorates, particularly Anbar, Babil, Baghdad, Basrah, Dhi Qar, Muthanna, Qadisiyah and Salah ad-Din. According to the ISW, these attacks have 'escalated' in late 2020 and into 2021.

These attacks have mainly damaged the trucks and transported material and supplies, but in some instances have also wounded or killed the Iraqi contractors who are primarily responsible for driving these trucks or escorting the convoys. Reportedly, the aim of those attacks was to weaken and end coalition's presence and intimidate Iraqi Businesses cooperating with the US-led coalition. A weekly average of seven convoy attacks in the first quarter of 2021 and a weekly average of six convoy attacks for the second quarter of 2021 have been reported.

In 2020 and 2021 threats and targeting of Iraqi personnel working with western forces was reported. Between June 2020 and May 2021, news articles were published which included interviews with Iraqis who had worked for the British or U.S. military or the U.S-led Coalition as interpreters or contractors and who feared being targeted by non-government armed groups. Some received threatening messages or felt observed. It was specifically reported that Iraqi interpreters working for the U.S. military or the U.S.-led Coalition feared targeted attacks from ISIL and Iran-backed militias who view them as *kafir* (unbeliever). It has been reported that Iraqi translators and others working with the international community continued to experience strong societal hostility, particularly in Shia areas.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. assault, killing).

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: nature and period of occupation (e.g. interpreters), visibility of the occupation, previous threats, etc.



Nexus to a reason for persecution

According to available information, persecution of this profile is highly likely to be for reasons of (imputed) political opinion and/or religion (e.g. in the case of interpreters).

2.11. Humanitarian workers

Last updated: January 2021

This profile includes those working for national and international NGOs.

COI summary

[[Targeting 2019](#), 1.16]

It is reported that armed groups in Iraq, including official armed groups, pose a threat to humanitarian workers. There are reports of access restrictions and detention, and there have been targeted attacks against humanitarian workers. According to data from the International NGO Safety Organisation, during the period between January and October 2018, there have been 66 reported incidents targeting NGOs in Iraq, the majority being cases of assault (40), followed by arrest and detention (9), direct fire (9), intimidation (4), robbery (3), IED ordnance (1). Two NGO workers died as a result of these incidents during the stated period.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. assault, killing).

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: gender (see also [2.16.4 Women acting in the public sphere](#)), nature of activities (e.g. providing assistance to women and children associated with ISIL, see also [2.1 Persons \(perceived to be\) affiliated with ISIL](#)), region of work/activity, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion and/or religion (e.g. when they are accused as *takfir* by ISIL).



2.12.LGBTIQ persons

Last updated: January 2021

This profile refers to persons who are perceived as not conforming to social and religious norms because of their sexual orientation and/or gender identity, including the treatment of lesbian, gay, bi-sexual or trans-gender, intersex and queer individuals. However, it should be noted that specific information on some of those communities was not available in the COI reports used for the purpose of this guidance.

COI summary

[[Targeting 2019](#), 3.3; [Actors of protection](#), 9.4]

Iraq has no laws explicitly criminalising consensual same-sex conduct. Nevertheless, there are reports that ‘public indecency’ and ‘prostitution’ provisions are used to prosecute same-sex sexual activity.

Members of the LGBTIQ community generally face severe discrimination in society. There are reports of threats, physical attacks, kidnappings, killings. LGBTIQ individuals have been targeted by ISIL and by some PMF, as well as by the police.

Threats are often by the family of the affected person and by the community. The government generally fails to identify, arrest, or prosecute attackers and to protect targeted individuals.

Risk analysis

The acts to which (perceived) LGBTIQ persons could be exposed are of such severe nature that they would amount to persecution (e.g. kidnappings, physical assaults, killings).

Generally, a well-founded fear of persecution would be substantiated for (perceived) LGBTIQ persons.

It has to be noted that an applicant cannot be expected to conceal their sexual orientation or gender identity to avoid persecution ⁽¹⁾.

Nexus to a reason for persecution

Available information indicates that the persecution of this profile is highly likely to be for reasons of membership of a particular social group, based on a shared characteristic which is so fundamental to their identity that they should not be forced to renounce it; and based on a

⁽¹⁾ CJEU, *Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel*, joined cases C-199/12 to C-201/12 judgment of 7 November 2013, paras. 70-76 (*X and Y and Z*).



distinct identity of LGBTIQ persons in Iraq, because they are perceived as being different by the surrounding society ⁽¹²⁾.

2.13. Individuals perceived to transgress moral codes

Last updated: June 2022

This profile includes individuals at risk of honour-based violence, persons transgressing cultural, social or religious norms, persons in inter-sect/inter-ethnic marriages, and persons displaying westernised behaviour. See also [2.16.4 Women acting in the public sphere](#). For further guidance on violence against women and children see also the profiles [2.16 Women](#) and [2.17 Children](#).

COI summary

(g) Honour-based violence and tribal sanctions

[[Targeting 2019](#), 3.1.1, 3.5.3, 3.6; [KSEI 2020](#), 10.5.3; [Actors of protection](#), 6.4, 9.1; [Targeting 2022](#), 6, 7.4]

Transgressions of family honour, linked to cultural beliefs about women's virginity or purity, have led to families and tribes carrying out honour-based violence against family members, usually females. Perpetrators are often male relatives or family members, who carry out honour killings for a range of 'crimes', which span from sexual relations outside marriage, including instances of rape or other forms of sexual violence, refusing to marry a man chosen by the family or marrying against the family's wishes, to inappropriate appearances or unacceptable contact or dating with males outside the family, among others. Honour killings are rarely investigated and punished.

This issue affects all parts of the country, cutting through religious and ethnic divides, with a strong tribal element and linked with the strong patriarchal society. The practice is reportedly prevalent throughout the country, though its frequency has reportedly decreased in some geographical areas such as cities, while it is more widespread in more conservative areas, such as the southern part of the country.

Iraq lacks comprehensive legislation to protect from and punish violence against women, and it allows for honour as a mitigating circumstance. The Iraqi Penal Code of 1969 states, under Article 409, that '[a]ny person who surprises his wife in the act of adultery or finds his girlfriend in bed with her lover and kills them immediately or one of them or assaults one of them so that he or she dies or is left permanently disabled is punishable by a period of detention not exceeding 3 years. It is not permissible to exercise the right of legal defence against any person who uses this excuse nor do the rules of aggravating circumstance apply against him'. This article was suspended in the KRI in 2000. However, implementation of the laws regulating honour crimes in

⁽¹²⁾ CJEU, *X, Y and Z*, paras. 45-49.



KRI is impeded by the patriarchal mentality of the society, as well as the discriminatory mindset of the judiciary towards women.

There are reports that persons who transgress cultural, social or religious norms face harsh punishment by their tribes. It has, for example, been reported that behaviour on social media, such as clicking on a 'like' button of an 'objectionable' Facebook page, could lead to tribal sanctions, including significant financial compensation; according to the source, there is agreement amongst various tribes in southern Iraq on the subject.

Tribes in a number of governorates have also forcibly evicted families associated with ISIL and confiscated their property (see the profile [2.1 Persons \(perceived to be\) affiliated with ISIL](#)).

Persons who do not comply with the will of their tribe may be killed, ostracised or disowned and expelled from the tribe and be forbidden to reside in specific areas.

With regard to tribal feuds and conflict resolution, see the profile [2.19 Persons involved in and affected by blood feuds in the context of tribal conflict](#).

(h) Persons in inter-sect/inter-ethnic marriages

[[Targeting 2019](#), 3.10, 3.11; [Targeting 2022](#), 4.1.3]

The provisions of the legislation establish the rules of marriage between women and men according to their confession.

Inter-sect marriages between **Sunni and Shia** were and continue to be common in Iraq. Due to the politicisation of sectarian differences since 2006, there has been a decrease in Sunni-Shia marriages. However, they are still not unusual. There are incidents of violence due to inter-sect marriages, although the reasons for it are often intertwined with other causes, such as honour-based violence.

Marriages between **Arabs and Kurds** are very rare, especially in northern Iraq, where sectarian and ethnic tensions are high. Arab-Kurdish couples are stigmatised by both Arabs and Kurds. Nevertheless, due to displacement in the context of the ISIL crisis, it has become slightly more common.

In the **KRI**, especially women may be victims of honour killing due to being in an inter-sect marriage.

(i) Persons displaying westernised behaviour

[[Targeting 2019](#), 1.1.2, 1.14, 3.12; [Targeting 2022](#), 6.1]



The concept of westernisation in Iraq can be described as an umbrella term of groups that can be perceived as transgressing moral codes. This sub-profile refers to persons who are perceived as ‘Westernised’ due, for example, to their behaviour, appearance, occupation and expressed opinions that contravene the local culture.

Persons who are seen as not conforming with the local social and cultural norms by displaying ‘westernised’ behaviour have been subjected to threats and attacks by individuals in society, as well as by militia groups. PMF are targeting people that show signs of deviating morality according to their interpretation of Shia norms, sometimes with the support of the Shia community. LGBTIQ persons, Christians, alcohol sellers and artists are among those reportedly targeted.

Men and especially women face pressure to conform to conservative standards on personal appearances. Shia militias in Baghdad and Basrah seek to enforce strict dress codes and are responsible for violent attacks on women whose dress styles are considered inappropriate. Women have been targeted for assassination by militias, for example, due to wearing the ‘wrong’ clothes, or (allegedly) being connected to prostitution. According to a 2017 report, ‘some Muslims continued to threaten women and girls, regardless of their religious affiliation, for refusing to wear the hijab, for dressing in Western-style clothing, or for not adhering to strict interpretations of Islamic norms governing public behaviour’.

Individuals’ presence on social media can be perceived as ‘amoral’, i.e. leading an amoral lifestyle in the way they behave. They can be perceived as wearing provocative clothing, showing sexuality, being unmarried and flirting, engaging in sexual acts before marriage.

Selling alcohol in Iraq was framed in terms of morality and religion. Alcohol vendors in particular may be subject to assassination, death threats or forced out of their community. Targeting of places such as liquor stores, massage parlours and nightclubs with the aim of fighting immorality has been reported. Iran-backed and pro-Iranian militias started ‘patrolling Islamic morality’ and warned Iraqi security forces - which had increased their presence in order to protect liquor stores that were being attacked - to stop protecting these shops. Yazidis and Christians, being the main importers and sellers of alcohol, are mostly affected.

For guidance on LGBTIQ persons and Atheists, see the profiles [2.12 LGBTIQ persons](#) and [2.14 Individuals considered to have committed blasphemy and/or apostasy](#). For guidance on women active in the public sphere, see [2.16.4 Women acting in the public sphere](#).

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. violent attacks, killings).

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting



circumstances, such as: the moral and/or societal norm transgressed, gender (the risk is higher for women), conservative environment, area of origin, perception of traditional gender roles by the family and society, etc.

Nexus to a reason for persecution ⁽¹³⁾

Available information indicates that for this profile, the individual circumstances of the applicant need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.

In the cases of inter-sect/inter-ethnic marriages, as well as in individual cases of persons targeted by Shia militias, persecution may be for reasons of religion and/or race (ethnicity).

In the case of persons transgressing social norms, persecution may also be for reasons of membership of a particular social group, based on their common background which cannot be changed (perceived past behaviour) and/or a shared characteristic or belief that is so fundamental to identity or conscience that they should not be forced to renounce it (opposition to cultural, social or religious norms and the unwillingness to comply with them). They may also be considered to have a distinct identity in the context of Iraq, because they may be perceived as being different by the surrounding society.



A thorough individual assessment should take place about whether the particular characteristic or belief is fundamental to the identity or conscience of the applicant.

2.14. Individuals considered to have committed blasphemy and/or apostasy

Last updated: June 2022

This profile refers to persons who are considered to have abandoned or renounced the religious belief or principles of Islam (apostasy), individuals who have converted from Islam to a new faith, based on their genuine inner belief (converts), those who disbelieve or lack belief in the existence of god or gods (atheists), as well as persons considered to have shown contempt for god, Islam and/or religious figures (blasphemy). It can be noted that, often, the grounds related to conversion and atheism would be invoked *sur place* ([Article 5 QD](#)).

⁽¹³⁾ Please note that a relevant request for a preliminary ruling is currently pending at the CJEU: 'Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats 's-Hertogenbosch (Netherlands) lodged on 25 October 2021 – K, L v Staatssecretaris van Justitie en Veiligheid (Case C-646/21)', [url](#).



COI summary

[[Targeting 2019](#), 3.2; [COI query on atheism and conversion in the KRI](#); [Targeting 2022](#), 10]

Islam is the official state religion of Iraq. According to the Iraqi Constitution, no law may be enacted that contradicts the provisions of Islam. The Iraqi Constitution also guarantees freedom of religious belief and practices for Muslims, Christians, Yazidis, and Sabeen-Mandaeans, but not for followers of other religions or atheists. The Constitution further guarantees freedom from religious coercion, and states that all citizens are equal before the law without regard to religion, sect, or belief.

Sources pointed to a rise in recent years of secularism and atheism in Iraq and the numbers of Muslims converting to Zoroastrianism in the KRI. This rising trend is supported by increased activism amongst young secularists as well as decreased mosque attendance.

Apostasy is uncommon in Iraq and is generally seen as unnatural. Despite its acknowledgment of religious diversity, the Personal status laws and regulations prohibit the conversion of Muslims to other religions. Whilst civil laws provide a simple process for a non-Muslim to convert to Islam, **conversion** of a Muslim to another religion is forbidden by law. Converts from Islam to other religions cannot change their religion on their identity cards after conversion and must continue to be registered as Muslims. Children born to a Muslim and a non-Muslim parent are legally deemed Muslims.

According to COI sources, people who convert from Islam to Christianity may be at risk of being killed or persecuted by clan or tribe members, state authorities or extremist groups in Iraq. While converts may encounter difficulties with the authorities, the main source of problems is usually the community and family, with reactions varying from one family to another. In some cases, family members are open-minded and do not react to the conversion in any way. In others, the convert may be disowned, receive death threats or even be killed. According to some sources, problems typically arise within the extended family. A 2020 source noted that the risk of being targeted by their families left many converts homeless, jobless, and with nowhere to go. The treatment of female converts is reportedly much worse than the treatment of men. The situation of the convert may also vary somewhat depending on the person's social status and tribal background. Kurdish tribes could be more permissive towards the convert compared to Arab tribes. There are also regional differences, with reactions being generally harsher in the countryside.

The situation for converts is reportedly worse in other parts of Iraq as compared to the KRI. In 2015, the KRG passed a law to protect the rights of different religious groups and it officially recognised Zoroastrianism in 2015. It is reportedly easier to convert from Islam in the KRI, but the federal Iraqi government still registers converts from Islam as Muslims. It has been reported that in the KRI the personal status laws forbidding Muslims to convert to another religion was rarely enforced. There are no reported cases of anyone being tried in the KRI for changing religion. Although the KRG supports the Christian converts residing in the KRI, state authorities cannot provide the converts constant protection against the possible threat posed by their own tribe. Kurdish authorities are fairly tolerant of the Christian converts but it has not been possible



for converts to, for example, change the official status of religion for their children. Some years ago, Kurdish authorities did, however, register a Kurdish Christian group that had converted from Islam. The number of Christian converts in the KRI is generally thought to be around a few hundreds.

See also the profile [2.15.3. Christians](#).

Atheism is not illegal in Iraq, but atheists have been prosecuted for blasphemy and other related charges. Although there are no articles in the Iraqi Penal Code that provide for a direct punishment for atheism, the desecration of religions is penalised. In March 2018, arrest warrants were issued in Dhi Qar against four Iraqis on charges of atheism. In May 2020, in Al-Qadissiyah province, a doctor was sentenced to two years imprisonment for promoting atheism and insulting the prophet of Islam online. According to COI sources, no recent examples of prosecution of atheists in the KRI have been reported.

In Iraq, atheists are reportedly viewed with disdain and face threats. It is reported that persons who openly admit they are not religious would risk arrest, for example, in Baghdad and the South, whereas in the KRI there would be more freedom of expression with regards to religious beliefs. According to COI sources, Kurds primarily identify themselves in terms of their ethnicity and not of their religious affiliation.

According to a 2020 report, Sunni clerics cited conspiracy theories that blamed atheists for triggering the Covid-19 pandemic with some clerics stating that the pandemic was a divine punishment against non-believers.

While atheism is rare in Iraq, the number of atheists is reportedly growing. **Secularism** is also on the rise amongst Iraq's youth. There are many Iraqi websites and blogs that cater to atheists, but membership lists are kept secret for fear of persecution by extremist religious groups or the surrounding society. In October 2021, a judicial order enabled the monitoring of social media sites, included those who promote atheism.

Atheism is in general not well perceived in the KRI. However, according to some sources, it is somewhat more acceptable to be an atheist than an apostate. As of end of October 2021, no recent examples of prosecution of atheists in the KRI have been found. Criticism of religious functionaries in general is quite widespread in KRI and is not looked upon as something scandalous. Criticising Islam on social media, particularly on Facebook, has become something of a social trend in the KRI, whereas up until recently it was not acceptable. It has been reported that the KRI had the largest number of atheism supporters in Iraq. The historical brutality of ISIL, Al-Qaeda and Ansar al Islam have reportedly created increasing rebellion against the presence of religion in social and political life in Iraq.

However, proclaiming oneself as an atheist publicly could cause problems in Iraq. There have reportedly been cases in which atheists have been physically threatened, harassed or rejected by their families. According to COI sources, atheists who suffer harassment due to their beliefs prefer to hide than to report to the police. Although the Kurdish government is secular, society in



general, especially in Erbil, is conservative and people are generally expected to respect Islamic norms.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, violent attacks).

When considering such applications, the case officer should take into account that it cannot reasonably be expected that an applicant will abstain from his or her religious practices in order to avoid persecution⁽¹⁴⁾. It should be noted that the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs ([Article 10\(1\)\(b\) QD](#)).

In the case of those perceived as apostates (e.g. for reason of conversion to Christianity or due to atheism) or blasphemers, in general, a well-founded fear of persecution would be substantiated. However, the risk assessment should take into account the religious or non-religious practices the applicant will engage in and whether those would expose him or her to a real risk⁽¹⁵⁾, as well as his or her home region (the risk is generally lower in the KRI), family and ethnic background, gender, etc.

See also [2.15. Religious and ethnic minorities, and stateless persons](#).

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of religion.

2.15. Religious and ethnic minorities, and stateless persons

Iraq hosts a variety of religious, ethnic, cultural and linguistic minorities. However this profile focuses on the following minorities: Turkmen, Yazidi, Christians, Shabak, Kaka'i, Sabean-Mandaean, Baha'i, Bidoon, Fayli Kurds, and Palestinians. This is a non-exhaustive list of ethnoreligious minorities present in Iraq.



The contents of this chapter include:

⁽¹⁴⁾ CJEU, *Bundesrepublik Deutschland v Y and Z*, joined cases C-71/11 and C-99/11, judgment of 5 September 2012, para. 80.

⁽¹⁵⁾ Ibid.



- [COI summary: overview](#)
- [2.15.1. Turkmen](#)
- [2.15.2. Yazidis](#)
- [2.15.3. Christians](#)
- [2.15.4. Shabak](#)
- [2.15.5. Kaka'i](#)
- [2.15.6. Sabeen-Mandaeans](#)
- [2.15.7. Baha'i](#)
- [2.15.8. Bidoon](#)
- [2.15.9. Fayli Kurds](#)
- [2.15.10. Palestinians](#)

COI summary: overview

Last updated: June 2022

[[Targeting 2019](#), 3.4; [Internal mobility](#), 2.4.2; [COI query on minorities and stateless](#); [COI query on Christians](#)]

The three largest demographic groups in Iraq are Shia Arabs, Sunni Arabs, and Kurds. It is estimated that 75 - 80 % of the inhabitants are Arab and 15 - 20 % are Kurdish. Ethnic minorities make up to 5 % of the population. Islam is the country's official religion. According to official statistics from 2020, 95-98 % of the population is Muslim (approximately 64-69 % Shia and 29-34 % Sunni) [[KSEI 2020](#), 1.1; [Targeting 2022](#), 2.1]. Numerous religious, ethnic, cultural and linguistic minorities live in Iraq, in particular in the North of the country, such as Turkmen, Iraqis of African descent, Yazidi, Christians, Shabak, Kaka'i, Sabeen-Mandaeen, Baha'i, Zoroastrian, Bidoon, Fayli Kurds, Roma, Palestinians, Assyrians, Jews, etc.

Some general aspects can be highlighted before looking into the different ethnic and/or religious minorities in the following sub-sections.

The Iraqi constitution guarantees freedom of religious belief and practices for Muslims, Christians, Yazidis, and Sabeen-Mandaeen, but not followers of other religions or atheists. In addition, the Constitution guarantees freedom from religious coercion, and states that all citizens are equal before the law, without regard to religion, sect, or belief.

The Personal Status Law recognises the following religious groups: Islam, Chaldean, Assyrian, Assyrian Catholic, Syriac Orthodox, Syriac Catholic, Armenian Apostolic, Armenian Catholic, Roman Orthodox, Roman Catholic, Latin-Dominican Rite, National Protestant, Anglican, Evangelical Protestant Assyrian, Adventist, Coptic Orthodox, Yazidi, Sabeen-Mandaeen, and Jewish. The conventional (non-biometric) ID cards contain the holder's religion but there is no distinction between Shia and Sunni Muslim, nor a designation of Christian denominations. On



the electronic (biometric) national ID card introduced in 2016, information about the holder's religion does not appear. Information about the holder's religion is, however, stored on the biometric data chip in this card. The information in the chip contains no distinction between Shia and Sunni Muslim, nor a designation of Christian denominations (denominations meaning catholic/orthodox, etc.).

In KRI, the Kurdistan Region Law of 2015 preserved the rights of the national components (Turkmens, Chaldeans, Syrians, Assyrians, and Armenians) and religious and sectarian groups (Christians, Yazidis, Sabean-Mandaeans, Kaka'i, Shabaks, Faili Kurds, and Zoroastrians).

Individuals practicing other faiths may only receive identity cards if they self-identify as Muslims, Yazidis, Sabean-Mandaeans, or Christians. The ID card is described as the most important personal document for Iraqis, because it is required for all contacts with authorities, and to obtain services, such as healthcare, social welfare, education, and when buying and selling property, including houses or vehicles. It is also necessary for the issuance of other official legal documentation, such as passports. Without an official identity card, Iraqis cannot register their marriages, enrol their children in public school, acquire passports, etc. The 2015 National Identity Card Law also requires children from mixed religion marriages to be registered as Muslims. Although registering children born of rape is difficult in practice, when one of the parents is Muslim and the child is registered, they are automatically registered as Muslims. The 2015 Law also reinforces restrictions that Muslims cannot change their religious identification on their identity cards after conversion to any other religion. A new electronic and biometric ID card system is being introduced in Iraq, where information about the person's religion is stored on the chip, but it does not appear on the ID card.

Numerous Iraqi families, and particularly IDPs and minority groups, are unable to access civil registration procedures because they lack the documentation that would prove their identity. Many Iraqis from the areas that fell under ISIL control lost their civil documentation during forced displacement or because of confiscation of the documents by ISIL and/or other parties to the conflict. Lack of knowledge of the legal requirements and procedures to obtain or renew civil documentation was reported to frequently constitute a barrier to access documentation. Other obstacles comprise high transportation cost to reach government offices in areas of origin, lengthy processing times and difficulties in obtaining security clearance to travel and to obtain documentation, as well as complex court procedures and administrative fees.

2.15.1. Turkmens

Last updated: June 2022

COI summary

[\[Targeting 2022, 4.2.1, 4.2.2\]](#)



Turkmens are the third largest ethnic group in Iraq after Arabs and Kurds and the second largest group in the Kurdistan region. They comprise of both Sunni and Shia, and a small group of Christian Turkmens (see also [2.15.3 Christians](#)).

The capture of the Ninewa Plains by ISIL in 2014 brought destruction of non-Sunni minorities, with Yazidis, Christians, and Turkmens being particularly affected. Many Shia Turkmens fled from their villages in Ninewa governorate to southern governorates, including Najaf and Karbala.

There were reports of abductions and killings of Shia Turkmens by ISIL, including women and children. It was estimated that 900 Shia and Sunni Turkmens remained missing at the end of 2020 out of the 1 300 who were abducted by ISIL from Tal Afar city, while 800 of those who were abducted were believed to have been killed. Only a small number of abducted Turkmens women reportedly returned to their community. It was also reported that the stigma around sexual violence could lead to honour killings. (See also [2.13 Individuals perceived to transgress moral codes](#))

After the Iraqi central government restored its control over Kirkuk governorate in October 2017, Turkmens were reported to have faced discrimination, displacement, and in some cases, violence from government forces, particularly Iran-aligned PMF groups. PMF were also reported to have conducted arbitrary and unlawful detainment of Kurds and Turkmens in Kirkuk, while incidents of violence were reported in Kirkuk and Khanaqin. Turkmens in Kirkuk seem to be more targeted than other groups inhabiting the city.

There are reports from 2020 of KRG authorities discriminating against Turkmens in the disputed territories, particularly in issues relating to land and property disputes.

Security forces were reportedly treating relatives of the Tal Afar inhabitants who had joined ISIL as ISIL-supporters. Particularly in Al-Ayadhiya sub-district, Turkmens (as well as Arabs) were reported to have expressed their concerns of being collectively blamed or accused of a crime; they also indicated higher levels of restriction on movement than other groups. See also [2.1. Persons \(perceived to be\) affiliated with ISIL](#).

Tensions between ethnoreligious communities in Ninewa and Kirkuk governorates were reported to have increased with the entrance of Shia Turkmens into PMF. Sources in 2021 noted that the PMF were targeting Sunni Arabs and Sunni Turkmens, seeking revenge for ISIL-committed incidents. PMF were reported to have committed violence against ethnoreligious minorities (including Turkmen IDPs) in the Ninewa Plains and Sinjar and were also engaged in illegal income-generating activities, such as collecting duties from petrol stations and truck drivers; illegal checkpoints were reportedly established in Daquq and Hawija.

Turkmen-led PMF were reported to be a dominant element in organisation of security in Tal Afar, and especially in its Zummar sub-district. In Kirkuk city, Shia Turkmens, most of whom are affiliated with the Badr Organisation, were reported to belong to the key military and political leadership of the PMF active in the city.



Given the fact that PKK and PMF have joined interests, some Turkmens, reportedly poor, unemployed young men and the majority of them being Shia, joined the Kurdistan Workers' Party (PKK) in 2020, aiming at the increase of PMF influence in the areas inhabited by Turkmens.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, abduction, collective abuses). In other cases, individuals could be exposed to (solely) discriminatory measures, and the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of origin (e.g. Shia Turkmens in areas where ISIL continues to operate), perceived affiliation with ISIL (especially for Sunni Turkmens), religion, gender, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of race (ethnicity) and/or religion and in some cases, especially for Sunni Turkmens, (imputed) political opinion.



Exclusion considerations could be relevant to this sub-profile, in particular for Turkmens affiliated with the PKK, the PMF or ISIL (see the chapter [6. Exclusion](#)).

2.15.2. Yazidis

Last updated: June 2022

COI summary

[[Targeting 2022](#), 4.3, 4.3.1, 4.3.2, 4.3.3; [Security 2022](#), 1.3.1, 2.6.4]

The Yazidis are a minority ethnoreligious group autochthonous to the governorate of Ninewa. Estimates on the Yazidi population differ significantly and vary from fewer than 300 000 in the entire world to about 700 000 in northern Iraq alone. Prior to the presence of ISIL in 2014, the largest Yazidi community (approximately 400 000 people) resided in the area of Mount Sinjar in Ninewa. Yazidis identify first by religion and then by ethnicity. The majority of Yazidis in Sinjar speak Arabic, with Kurdish more or less relegated to the status of a domestic language. The private as well as the official language in the Kurdistan Region of Iraq, in contrast, is Kurdish.

In May 2021, the UN investigation team concluded that the crimes committed by ISIL, during its rule, against the Yazidis constituted a genocide. Thousands of Yazidis were killed or abducted



by ISIL. In October 2021, it was reported that the number of Yazidis ISIL killed remained unknown, and discoveries of mass graves continued. Yazidi woman and girls suffered rape, torture, and slavery under ISIL captivity and were forced to marry ISIL members. Younger boys faced indoctrination, beating and torture by ISIL and commonly forcibly became child soldiers. Children were denied schooling and compelled to abandon their Yazidi faith by adopting Islam. In September 2021, it was reported that in total 2 763 Yazidis women and children remained missing. The KRG continued efforts to support and fund the rescue of captured Yazidis, although reimbursement payments were delayed or not made at all. It was reported that almost none of the ISIL perpetrators of the Yazidi genocide has been brought to justice.

In 2021, around 200 000 Yazidis remained displaced, most of them living in camps in the Kurdistan Region of Iraq. It has been reported that living conditions in the camps are difficult and poverty in the camps has worsened, which in turn has led to higher numbers of suicides, domestic violence, and child abandonment. Many of the women and children formerly held in ISIL captivity, were pregnant as a result of rape, forced marriage, and sex trafficking; these women and girls, including IDPs, remain highly vulnerable to various forms of exploitation, including re-trafficking.

In the KRG, Yazidis reportedly faced discrimination if they did not identify as Kurdish, as only those Yazidis who identified publicly as Kurdish could obtain senior positions in the KRI leadership. A number of religious minority communities, including the Yazidis have reported cases of discrimination from KRG authorities in territories claimed by both the central government and KRG, particularly in relation to land and property disputes.

Most Yazidis are unable to return to Iraq's Sinjar district due to lack of services, security issues and bureaucratic hurdles. In April 2021, it was reported that Yazidi people living in the camps in Duhok widely believed that the Sinjar district was still not a safe place to return due to PKK's presence. Since ISIL was defeated in Sinjar in 2015, the PKK has reportedly kidnapped hundreds of Yazidi children with the aim of recruiting them, 70 of whom are still missing. In April 2021, it was reported that Yazidis were prevented from returning home to Sinjar region by the PKK. In addition, an incident was reported in which Yazidis abducted by the PKK were later tortured by members of the PKK. Moreover, there are reports that the Yazidis faced challenges by the PMF upon their return. Although some Yazidis returned after the liberation operations, the PMF forces reportedly refused to give up the farms under the pretext of using them to combat ISIL cells.

Yazidi women that suffered repeated rape were, after giving birth, forced to abandon their children in orphanages in Syria or Iraq to be allowed to re-join the Yazidi community, or were compelled to register their children as Muslim in order to obtain identification documents and access to governmental services. Despite the fact that Yazidi religious leaders declared that ISIL-abducted survivors were to be respected, in practice, this is not always the case in the Yazidi community. Sexual violence against the members of the Yazidi community continues to be underreported owing to the fear of reprisals, stigma, absence of services and ongoing security concerns. Displacement camps constitute sites of heightened risk. On 1 March 2021, the Iraqi parliament passed a new law, the Yazidi Survivors Bill with the goal to assist female survivors of the ISIL atrocities. With regards to compensation, the bill provides for, among other assistance, a monthly salary, a plot of land or housing unit, support to re-enter school, and



access to psychosocial and other health services. See also the sections on [2.17.7 Children born under ISIL who lack civil documentation](#) under the profile [2.17 Children](#).

The YBS (Sinjar Resistance Unit) Yazidi militia, whose ranks have been joined by PKK fighters, is officially part of the PMF [[Security 2022](#), 1.3.1]. For more information about the violation of human rights perpetrated by the PMF, please refer to [2.8 Members of the Iraqi Security Forces \(ISF\), Popular Mobilisation Forces \(PMF\), Peshmerga and local police](#).

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. harassment, detention, physical assaults, sexual abuse, killings, extortion, arbitrary arrests, kidnappings). In other cases, individuals could be exposed to (solely) discriminatory measures, and the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of origin (e.g. Yazidis in areas where ISIL continues to operate), (lack of) identity documents, gender, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of religion, race and/or nationality.



Exclusion considerations could be relevant to this sub-profile, in particular in the case of members of Yazidi militia (see the chapter [6. Exclusion](#)).

2.15.3. Christians

Last updated: June 2022

COI summary

[[Targeting 2022](#), 4.1, 4.1.1, 4.1.2]

Following the US-led invasion in March 2003, the Cristian population in Iraq has declined from approximately 1 500 000 to less than 250 000: the Christian community in Iraq comprises 14 official recognised sects, the most prominent of which are Chaldean Catholics (67 % of all Christians), Assyrians (20 %), Syriacs (10 %), Armenians (approximate 3 %).



After the US-led military intervention, Iraqi Christians have been suffering from persecution and discrimination. Most Christians in Iraq had already fled before the 2014 ISIL advance. The ISIL occupation of Ninewa Plain in 2014 led to a massive exodus, as ISIL militants killed thousands of civilians and destroyed religious sites in their attempt of religious cleansing of the population and public spaces. Following ISIL's defeat in 2017, Christians have gradually begun to return, but at a low rate mainly due to fear by local and Shia militias that control the territory.

While ISIL is considered to be defeated in Iraq, there are reports of an increased level of violence committed against Christians in 2020 who continued to be targeted by attacks and kidnappings.

The PMF prevented the return of many displaced Christians as part of their attempt to induce demographic changes and secure illegal economic benefits. In the outskirts of Mosul and in the Ninewa Plains, Shia militia seized large areas of residential, business and agricultural lands in the traditionally Christian regions with the help of officials. Local militias limited the movement of Christian IDPs by setting up checkpoints, imposing illegal taxes for business owners and refusing to return the properties that were occupied during the war.

In the cities of Batnaya and Tal Kayf, the PMF puts Christians at a disadvantage when it comes to buying property by imposing illegal approvals and bribes. Furthermore, Christians from the town of Tal Kayf have complained about the ISF intimidating them by running searches, imposing movement restrictions and using some of their houses without offering compensations.

Harassment and intimidation against Christians by the PMF reportedly continued in the Ninewa Plain in 2020, particularly in the cities of Bartella, Bazwiya, and Bashiqa. They were reported to impose traffic restrictions in and between Christian-populated towns in the Ninewa Plains. It was also reported that PMF members attacked two Christians at Bartella main checkpoint and threatened via social media Christian priests who spoke against them. Furthermore, there is information that the PMF detained 1 000 people in secret facilities in Ninewa province on false religious motives and engaged in extortion, illegal arrests, kidnappings, and the detention of people without warrants. Asa'ib Ahl al-Haq, a U.S.-designated foreign terrorist organization, reportedly harassed Christian families in Bartella under false pretext by running investigations against them and trying to convince them to leave the city.

It was also reported that more than 14 Christian and Yazidi-owned liquor stores were attacked in Baghdad, in 2020. Some Iraqi Christian business owners claimed that Shia Iran-backed militia members bombed their stores.

Although one of the representatives of Christians in the Iraqi parliament signalled an improvement of the situation of Christians in 2020, the Christian community complained about the general treatment by Shia militias that disadvantaged them in terms of real estate purchases, trade opportunities and free movement.

Christians have been reported to be socially pressured to withhold from celebrating religious feasts overlapping with the Islamic holidays like Ramadan or Ashura. Also, Christian women have been reported to be harassed for not following the Islamic practice of wearing the hijab.





In terms of access to education, the KRG operates 49 schools in which Syriac is the used language and the public education system provides Christian education for children. The KRG supported the health and education of Christians by funding the construction of churches, hospitals and schools, especially in Erbil. However, even though Christians in Iraqi Kurdistan Region have better living opportunities than in other parts of Iraq, they still face discrimination in terms of land disputes and property issues as they were subjected to expropriations for different reasons.

With regard to conversion, see [2.14 Individuals considered to have committed blasphemy and/or apostasy](#).

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, rape, abduction, arbitrary arrest, unlawful detention). In other cases, individuals could be exposed to (solely) discriminatory measures, and the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: area of origin (e.g. Christians in areas where ISIL continues to operate are at higher risk; risk is lower in KRI), gender, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of religion.

2.15.4. Shabak

Last updated: January 2021

COI summary

[\[Targeting 2019, 2.2.1, 3.4.6\]](#)

The Shabak form an ethnic group consisting of three tribes: Hariri, Gergeri and Mawsili. Approximately 70 % identify as Shia. The Shabak are largely living in the Ninewa plains.

ISIL's advance resulted in kidnappings and executions for Shabak who refused to comply with ISIL's orders.





Besides facing violence from ISIL, the Shabak have been victims of efforts to forcibly alter the demographic balance in their areas of origin in favour of either Arabs or Kurds. The Shabak community is located in an area that is disputed between Erbil and Baghdad. The power struggles between the two governments have affected the Shabak detrimentally and they have faced enormous pressure and harassment from the KRG to assimilate and declare themselves as Kurds.

Risk analysis

The individual assessment of whether the treatment of individuals under this profile could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as their area of origin, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of race and/or religion (in relation to persecution by ISIL).

2.15.5. Kaka'i

Last updated: January 2021

COI summary

[\[Targeting 2019, 2.2.5, 3.4.7\]](#)

The Kaka'i are a religious minority consisting of between 110 000 and 200 000 persons and located mainly in the southeast of Kirkuk and in the Ninewa plains near Daquq and Hamdaniya, and in Diyala and the KRI. The Kaka'i are followers of a syncretic religion, which contains elements of Zoroastrianism and Shia Islam. According to the Special Rapporteur on minority issues to the UN Human Rights Council, the Kaka'i are ethnically associated with the Kurds while maintaining a distinct religious identity.

The Kaka'i had suffered historic persecution, including under the Saddam Hussein regime, with their lands and villages confiscated. USDOS reported that outside the KRI, the Kaka'i are an unrecognised religious group, noting that the law does not prescribe penalties for practicing it, but that contracts signed by unrecognised religious groups are not legal or permissible as evidence in court.

According to the 2015 Report on International Religious Freedom of the USDOS, more than 2 500 Kaka'i families had fled to the KRI as a result of the ISIL incursion, and thousands remained



displaced. In 2018, Kaka'i community activists stated that only a limited number of community members had returned to liberated Ninewa.

As of September 2018, members of the Kaka'i community in Kirkuk governorate (mainly in Daquq district, south of Kirkuk) continued to be displaced, because of security concerns. Kaka'i villages have been targeted by ISIL because of perceived cooperation with ISF, with several reported attacks. Some villages have been deserted, others are defended by the local communities, but the local population expressed its concern that it would not be possible to secure the communities without substantial help from the outside.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing). In other cases, individuals could be exposed to (solely) discriminatory measures, and the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as their area of origin (higher risk in areas where ISIL continues to operate, lower risk in KRI), etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of race and/or religion.

2.15.6. Sabean-Mandaeans

Last updated: January 2021

*Minor updates added: June 2022

COI summary

[[Targeting 2019](#), 3.4.8; [COI query on Sabean-Mandaeans](#)]

The Sabean-Mandaeans are one of the smallest ethno-religious minority in Iraq, with an estimated number of less than 5 000. Their area is in southern Iraq, including Basrah and the southern governorates of Dhi Qar and Missan, but small numbers also live in Baghdad and the KRI. According to the Special Rapporteur on minority issues to the UN Human Rights Council, 'their language, culture and religion are thought to be at risk of extinction in Iraq'.



Sabean-Mandaeans have fled ISIL-controlled areas and have become internally displaced, while many are said to have departed the country.

They have also faced violence by both Shia and Sunni Islamic groups and continue to be actively targeted. Numerous attacks have taken place against community members, their property and places of worship, including targeted killings of individuals. They have been extorted and pressured to conform to Islamic principles by financially supporting Shia rituals, parades and public events, especially during Islamic holidays. Not participating in such societal displays is considered to put Sabean-Mandaeans at risk of becoming disenfranchised from the local community.

Sabean-Mandaeans were perceived as rich because they were associated with the jewellery trade. Because of this, they became a target for extortion by extremist groups and criminal gangs. Especially in Baghdad, members of the Sabean-Mandaean community are often associated with wealth since many of its members work within the jewellery and gold/silversmith businesses. In addition, the Sabean-Mandaeans are by their religion prohibited to resort to arms, even in self-defence. Thus, community members were especially exposed to face robberies of their goldsmith, silversmith, and jewellery stores.

Being Arabic speakers, Sabean-Mandaeans who fled to KRI faced a language barrier when interacting with the Kurdish majority, experiencing racism and sometimes discrimination or verbal abuse on account of being perceived as 'Arabs from the south'. Being displaced into the KRI with a weak social network, the community lacks access to employment and economic opportunities.

Sabean-Mandaeans experience discrimination and negative stereotyping in all aspects of public life. Outside the KRI, Sabean-Mandaean women have been reported to opt to wear the hijab after continuous harassment.

Risk analysis

The acts to which applicants could be exposed are of such severe nature that they would amount to persecution (e.g. harassment, physical assaults, killings). In other cases, individuals could be exposed to (solely) discriminatory measures, and the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: area of origin (the risk is lower in KRI), language, gender, occupation, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of religion and/or race (in particular in the KRI).





2.15.7. Baha'i

Last updated: January 2021

*Minor updates added: June 2022

COI summary

[[Targeting 2019](#), 3.4.9; [Targeting 2022](#), 10.1, 10.3]

The number of Baha'i currently in Iraq are believed to be around 1 000. The Baha'i religion was banned under the Baath party and members have been particularly oppressed in Iraq from the early 1970s, Baha'i property was confiscated and members of the community ultimately faced prison or execution.

According to Regulation 258 from 1975, Baha'i were denied access to birth and marriage registration, passports, employment, entry into university, and the possibility to buy and sell housing and property. Although this regulation was revoked in 2008, the Baha'i still cannot register their faith on their ID cards and Baha'i people are at risk of statelessness. In order to be issued an ID, Baha'i have to list 'Muslim' on identity documents. Without identity documentation, the Baha'i cannot access rights and services related to citizenship, such as education, property ownership and medical care. The majority of Baha'i marriages are not registered officially, so the children of such marriages cannot obtain identification.

Baha'i do not benefit from any recognition or special measures under the Iraqi Constitution, but they are recognised as a religious minority by the KRG.

Risk analysis

The individual assessment of whether the treatment of individuals under this profile could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: (lack of) identity documents, statelessness, area of origin, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of religion.





2.15.8. Bidoon

Last updated: January 2021

COI summary

[[Targeting 2019](#), 3.4.11; [COI query on minorities and stateless](#)]

Bidoon (short for 'bidoon jinsiya', meaning 'without nationality' in Arabic, and alternately spelt as Bedoon, Bidun and Bedun) are a stateless Arab minority in Iraq. They are descendants of individuals who never received Iraqi citizenship upon the state's founding, living as nomads in the desert near or in the southern governorates of Basrah, Dhi Qar, and Qadissiya. After the Iraq invasion of Kuwait, many Bidoon fled from Kuwait to Iraq and were later denied re-entry. In 2006 the number of Bidoon was estimated to be 54 500, while in 1997 a government census, assessed as unreliable, estimated their number at 100 000.

It is reported that the majority of Bidoon remain undocumented and stateless and do not have access to many services and public sector job opportunities, nor can they register land in their own names, sign rental contracts or inherit property. The births and deaths of stateless Bidoons are not usually registered by the government. However, according to a report of the Institute for International Law and Human Rights (IILHR) from 2013, 'the community does not appear to face de jure barriers to accessing citizenship, identity, or other documentation.' In 2019, it was reported that members of the Bidoon community moved to city centres due to drought conditions in the south of Iraq and were largely able to obtain civil documentation, food rations, and social benefits.

The Bidoon community faces high rates of poverty and a precarious living situation, limited access to education and services, such as clean water, electricity, and adequate shelter. Community members commonly earn money by selling garbage and tending other people's livestock.

The IILHR and the Special Rapporteur on minority issues to the UN Human Rights Council have noted a disturbing lack of information on the circumstances of the Bidoon community in Iraq.

Risk analysis

The individual assessment of whether the treatment of individuals under this profile could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: (lack of) identity documents, statelessness, area of origin, etc.





Nexus to a reason for persecution

Available information indicates that, if well-founded fear of persecution could be substantiated in a specific individual context, it could be for reasons of race and/or nationality (statelessness).

2.15.9. Fayli Kurds

Last updated: January 2021

COI summary

[[Targeting 2019](#), 3.4.12; [COI query on minorities and stateless](#), 2.3]

Fayli Kurds are an ethno-religious group historically inhabiting both sides of the Zagros mountain range along the Iraq-Iran border, and can be considered a cross-border population. Fayli Kurds in Iraq live mainly in Baghdad, as well as the eastern parts of Diyala, Wassit, Missan and Basrah governorates. A sizeable population can also be found in the KRI. Estimations of the numbers of Fayli Kurds in Iraq vary from 1.5 to 2.5 million.

Fayli Kurds are Shia Muslims. Under the former Baath regime, the Fayli Kurds reportedly faced systematic marginalisation and targeted discrimination from the State. Accused of being agents of Iran, Fayli Kurds were stripped of their citizenship and 300 000 were expelled to Iran. Sources report that the persecution of Fayli Kurds largely decreased since 2003, resulting in the return of many Fayli Kurds to Iraq.

Although in 2019 the Iraqi Ministry of Interior was seeking to restore the nationality rights and legal status of the Fayli Kurds, many Fayli Kurds are still stateless, which prevents them from accessing public services. Furthermore, identity cards, which some Fayli Kurds were able to obtain, are of a different colour than those of other Iraqis or show them as citizens of 'Iranian origin'. Insults, harassment and humiliation when visiting government offices were also reported.

Societal discrimination against Fayli Kurds occurs, and communities that are dominated by other ethnic or religious groups tend to not welcome Fayli Kurds.

The Fayli Kurds have been targeted by ISIL, including the destruction of their places of worship. Thousands of Fayli Kurds have been displaced and have sought refuge in Dohuk, Erbil, Najaf and Kerbala.

Harassment of Fayli Kurds in Baghdad intensified after the KRI set a date for its independence referendum and a number of them moved to the KRI. Reports have noted that in 2016, some Fayli Kurds joined a Shia militia that is often in conflict with the Peshmerga forces. As a consequence, the Peshmerga did not protect Fayli Kurds.





Risk analysis

The individual assessment of whether the treatment of individuals under this profile could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: (lack of) identity documents, statelessness, area of origin (south of Iraq, areas where ISIL continues to operate), etc.

Nexus to a reason for persecution

Available information indicates that, if well-founded fear of persecution could be substantiated in a specific individual context, it could be for reasons of race, religion and nationality (statelessness).

2.15.10. Palestinians

Last updated: June 2022

COI summary

[\[COI query on Palestinians in Iraq 2021\]](#)

The Palestinian population in Iraq is estimated between 4 000 to 10 000 people, most of whom live in Baghdad. They are living either in refugee camps or in the general community.

After the fall of the government of Saddam Hussein in April 2003, the legal status of Palestinians and their situation in Iraq changed. The Law No. 76 of 2017 (Law on the Residence of Foreigners) 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. The current legal status of Palestinians in Iraq is unclear. Observers report that the Ministry of Foreign Affairs has granted some Palestinians a one-month residency, and others a permit for two to three months. The new status deprived Palestinians of some rights, such as the acquisitions of the ration card and retirement as well as the right to free healthcare and education and it has limited their freedom of movement, as most of them have only refugee travel documents.

Palestinian refugees, who do not have access to documents such as residence card, citizenship certificate or nationality certificate, etc., are excluded from government services and basic needs (e.g. healthcare, employment, education, housing).

The change in the legal status has further caused deterioration in their economic situation, which also had a negative humanitarian impact on Palestinian refugee children.



On 19 March 2019, the Iraqi Government withdrew the 2018 decision on the suspension of the provision of food rations for non-Iraqi and resumed the food rations for Palestinians.

It was also reported that in December 2020 the Iraqi Parliament approved a legal amendment to the law on foreigners giving Palestinians who have resided in Iraq for a minimum of ten years the same rights as Iraqi nationals, except for citizenship, running for public office and voting.

Most Palestinian refugees living in Iraq are Sunni Muslim and this resulted in being viewed with suspicion by Iraq's Shia Muslims. Being perceived as supporters of Saddam Hussein, in the aftermath of 2003 invasion of Iraq, hundreds of Palestinians in the country were arrested by coalition forces, while Shia militant groups were reported to target Palestinians, by killing and expelling them from predominantly Shia areas. Iraqi security forces have reportedly continued to carry out raids in search of suspected Sunni Islamist militants among Palestinians. Family members of those detained by security forces have alleged that many have been subjected to torture, while others remain unaccounted for.

Various incidents against Palestinians refugees took place in Baghdad mainly based on the suspicion of being involved in terrorist activities. Access to fair judicial proceedings and state protection is reported to be a particular challenge for Palestinians, which renders them easy targets for abuse and exploitation by militias and tribes, including for confiscation of property and forced eviction from their homes.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. militia violence, illegal detention, kidnapping, killings, torture, forced disappearances). In other cases, individuals could be exposed to (solely) discriminatory measures, and the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures. In this regard, the implications of their legal status should be given due consideration.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: area of habitual residence, (perceived) links with former regime or (Sunni) militant groups, (lack of) identity documents, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of nationality (statelessness). In some cases, it may also be for reasons of (imputed) political opinion, due to perceived support for Sunni militias or ISIL (see [2.1 Persons \(perceived to be\) affiliated with ISIL](#)).



Iraq is not an area of operations of United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and in most cases Article 12(1)(a) QD would not be applicable ⁽¹⁶⁾.

2.16. Women

The position of women and girls in Iraq is characterised by deeply engrained attitudes, strong cultural beliefs and societal structures that reinforce discrimination; gender-based human rights violations are common.



The contents of this chapter include:

- [2.16.1. Violence against women and girls: overview](#)
- [2.16.2. Forced marriage and child marriage](#)
- [2.16.3. Female genital mutilation/cutting \(FGM/C\)](#)
- [2.16.4. Women acting in the public sphere](#)
- [2.16.5. Women perceived to have transgressed moral codes](#)
- [2.16.6. Women perceived associated with ISIL](#)
- [2.16.7. Single women and female heads of households](#)

It should be noted that the different forms of violence against women and girls in Iraq are often significantly interlinked. Therefore, the following subsections should be read in conjunction.

2.16.1. Violence against women and girls: overview

Last updated: June 2022

COI summary

[[Targeting 2019](#), 3.5; [Actors of protection](#), 8.2, 9.1; [KSEI 2019](#), 10.5; [Internal mobility](#), 4.3; [Targeting 2022](#), 7]

Violence against women and girls is a pervasive problem in Iraq, which, since 2003, has been exacerbated by recurring armed conflicts. Information on sexual violence remains difficult to obtain as a result of stigma against the victims and fear of reprisals. Official national statistics on different forms of violence against women are not available, and in general, there is a lack in

⁽¹⁶⁾ See also CJEU, *Mostafa Abed El Karem El Kott and Others v Bevándorlási és Állampolgársági Hivatal*, C-364/11, judgment of 19 December 2012; CJEU, *Bolbol v Bevándorlási és Állampolgársági Hivatal*, C-31/09, judgment of 17 June 2010.

systematic collection of data on sexual and gender-based violence (SGBV) in Iraq. However, an increase in SGBV cases during the COVID-19 pandemic has been reported. The major forms of sexual and gender-based violence across the country are sexual violence, domestic violence, so-called honour crimes, child marriage, trafficking in women and girls, Female Genital Mutilation (FGM).

In particular, Iraq lacks comprehensive legislation to protect and punish violence against women; it allows for honour as a mitigating circumstance, and although it criminalises sexual assault, it allows charges to be dropped if the sexual assault perpetrator marries the victim. Several hundred women and girls are killed every year in honour crimes in Iraq, and such crimes are underreported to the authorities. See also [2.13 Individuals perceived to transgress moral codes](#).

Article 41 of the Penal Code gives a husband the legal right to resort to physical violence against his wife within certain limits prescribed by law or by custom. Sources report that around 1 000 women are killed every year in Iraq due to domestic violence.

Due to a reliance on traditional non-State justice mechanisms in areas of Iraq that are less developed, 'justice systems can lead to poor outcomes for women'. Domestic violence and honour killings are rarely punished and spousal rape is not criminalised. (Suspected) rape is one of the reasons why honour crimes are perpetrated.

There are no effective shelters for women in Iraq, and women who leave their homes due to abuse, are vulnerable and may end up taking shelter in prisons or resort to prostitution. Shelters in Iraq are significantly lacking and are run by volunteers. As most of them are located in the cities, it is very difficult for rural women to access them. The women that reside there are in an especially vulnerable situation, often having no male support network.

In the absence of shelters, authorities often detained victims for their own protection. Communities often viewed shelters for victims of gender-based crimes as brothels and demanded their closure. To appease these concerns, the government regularly closed these shelters while allowing them to reopen later in another location. Shelters have also been attacked. Although the government stated to have set up family protection units at police stations across the country, these units prioritise family reconciliation over protection of the victims and most of them do not serve as shelters.

Women face particular difficulties accessing justice due to the discriminatory attitudes of police and government officials towards them, and a lack of awareness of their rights. Women face broad discriminatory treatment in society and under the law; marriage and divorce law tend to favour men. Legal protections for women against domestic violence in Iraq are insufficient and violence in the family has been underreported due to shame, fear of family or community reprisals, or harassment and abuse from police and security forces.

In addition, women cannot obtain civil status documentation without the consent of a male relative.



Unlike the rest of Iraq, in **KRI**, domestic violence is criminalised. This is under the Kurdistan Region Act (Act No. 8) of 2011 on domestic violence. A special police force has been set up in the KRI to implement the law and investigate cases of gender-based violence. The frequent practice by the authorities is to mediate between the women and their families, so that women return to their home. Furthermore, women risk being harassed by some staff at the police stations and their intentions will be questioned. Moreover, a husband may threaten to take the children if the wife reports a violent act.

Other barriers for the implementation of the KRI law on domestic violence include the patriarchal mentality of the society, as well as the discriminatory mindset of the judges towards women. The rate of domestic violence has increased in the KRI and, especially in the tribal areas, domestic violence is common.

Shelter space is also insufficient in KRI and shelters are attacked because they are considered as places of immorality and the government has to close them and reopen them in a new secret place. Many women are reluctant to go to a shelter afraid of being seen as outcasts. Moreover, admission to shelters in KRI requires a judicial order, which is reportedly a deterrent for women to use them. There are four government shelters and two private shelters, which provided some protection to women victims of SGBV in the KRI. In the KRI, organisations are permitted to run shelters, although the authorities have reportedly denied licenses to establish them under accusations of fostering prostitution. Many hotels refuse to permit single women to stay alone.

Conflict-related sexual violence continued to be underreported in Iraq. Cases of sexual abuse by members of Iraqi security forces against women in camps have been reported, such as in Ninawa.

Risk analysis

Sexual assault and rape amount to persecution. In case of other forms of violence, the assessment should take into account the severity and repetitiveness of the violence.

Not all women and girls would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: perception of traditional gender roles in the family, poor socio-economic situation, area of origin, influence of the tribe, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of membership of a particular social group.

For example, honour-based violence experienced by women who have been victims of sexual abuse may be for reasons of membership of a particular social group, due to their common background which cannot be changed (past experience of sexual abuse) and distinct identity in Iraq in relation to stigmatisation by society.



Additionally, persecution of women who have left their violent marriage, may be for reasons of membership of a particular social group due to their common background which cannot be changed (having left the abusive relationship) and their distinct identity in Iraq (stigmatisation by society).

2.16.2. Forced marriage and child marriage

Last updated: June 2022

COI summary

[[Targeting 2019](#), 3.5.2, 3.5.6; [Actors of protection](#), 6.6; [COI query on Yazidis](#); [Targeting 2022](#), 7]

In general, people in Iraq have little opportunity to make their own choices with regard to marriage. Refusing to marry a man chosen by the family is one of the reasons why honour crimes are perpetrated. Early marriage is another concern in Iraq. Although Iraq's Personal Status Law sets the legal age for marriage at 18, the law also allows a judge to permit girls as young as 15 to be married in 'urgent' cases. The number of girls that are married at the age of 15 or below is around 10 % in areas outside KRI. As of 2018, 24.3 % of women were reportedly first married or in union before the age of 18. During 2020, traditional early, so-called temporary marriage and forced marriages of women occurred throughout the country.

There is also a growing trend of marrying younger women as a measure of family security. There are reports that displaced families sometimes sell their children to other families in order to secure them a better future. Among IDPs and refugees, forced and child marriages are practiced as a way to reduce the family's economic hardship. Under the so-called temporary or pleasure marriages, a man can marry a girl for a limited period of time in exchange for dowry money to her family. Some of these marriages work as a covert practice to facilitate prostitution.

The traditional practices of *nahwas* and *fasliya*, whereby women and girls are traded to settle tribal disputes, continued to occur especially in areas where tribes have more influence than state institutions, particularly in southern governorates.

In general, women in the **KRI** cannot choose whom to marry and usually will have to agree to marry a man chosen by their family. Especially in rural areas, forced and early marriages continue to take place in the KRI in large numbers.

In some cases, forced marriages consist of a 'trade' in which two brothers marry two sisters or an exchange marriage where a female is married in exchange of a bride for a male in her family. The practice finds sanction in tribal traditions, such as the tradition of '*jin be jin*' (a woman for a woman), in which brides are exchanged between tribes in order to avoid the payment of dowries. The tradition of forced marriage as a method of resolving tribal disputes is also practiced.

In some cases, forced marriages result in the woman committing suicide.



Risk analysis

Forced and child marriage amount to persecution.

Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to forced and child marriage. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: young age, area of origin (particularly affecting rural areas), perception of traditional gender roles in the family, poor socio-economic situation of the family, living in IDP situation, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of membership of a particular social group. For example, refusal to enter into forced or child marriage may result in honour-based violence for reasons of membership of a particular social group in relation to a common background which cannot be changed (refusal to marry) and/or a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it (the right to choose whom to marry) and the distinct identity of such women and girls in Iraq (in relation to stigmatisation by society and/or being considered as violating the honour of the family).

2.16.3. Female genital mutilation/cutting (FGM/C)

Last updated: January 2021

COI summary

[[Targeting 2019](#), 3.5.4; [Actors of protection](#), 9.1; [COI query on FGM](#)]

After studies revealed startlingly high rates of FGM in the KRI, public debate ensued and efforts of activists culminated in the criminalisation of FGM in 2011 in KRI. However, the implementation of this legislation remains a challenge and FGM continues to be practiced on substantial numbers of girls and women. Outside of the KRI, the extent of the practice remains unclear.

According to a 2013 UNICEF report, an estimated 3.8 million women and girls, or 8 %, have undergone FGM in Iraq. The latest survey on the issue of FGM in Iraq is the 2018 Multiple Indicator Cluster Survey Iraq, conducted by the Iraqi Central Statistical organisation, the Kurdistan Regional Statistics Office, together with UNICEF and the Iraqi Ministry of Health. Key findings of this survey showed that 7.4 % of women aged between 15 and 49 underwent FGM in Iraq. The majority of FGM procedures occur in the KRI (37.5 %), compared with 0.4 % in central and southern Iraq. It is reported that FGM/C is particularly found in the part of KRI bordering Iran but is practiced across KRI. In KRI, sources indicate that the main areas where FGM still prevails are villages in northern Sulaymaniyah, the Garmian district, and in villages in Erbil; Rania is also one of the places where FGM still takes place. According to the 2013 UNHCR study, the



percentage of girls and women aged 15-29 years, who have undergone FGM/C in the KRI, was 58 % (Erbil), 54 % (Sulaymaniyah) and 2 % in Dohuk.

Sources note that, generally, Arab girls do not undergo FGM, however, some studies have shown that women living in Kurdish dominated areas in Kirkuk and Garmian to a certain extent suffer the practice as well. A 2012 study indicated that the practice is most common among Sunni Muslims, but also practiced by Shia and Kaka'i. No information on FGM among Christians and Yazidis was available. It is also reported that the level of education is a relevant factor that influences the practice of FGM/C.

Tradition and religion were mentioned as the main reasons for practicing FGM. The purpose of the practice is to ensure the girl's marriageability and honour in the eyes of the Kurdish community.

2015 studies revealed a significant decrease in the practice, mainly attributed to awareness campaigns by NGOs and the 2011 law. NGOs engaged in such activities note that some areas have not been reached by their advocacy efforts, including villages in northern Sulaymaniyah, the Garmian district and villages in Erbil.

Women, mostly midwives and elderly women, are the ones who carry out FGM. According to UNICEF, the majority of FGM/C operations are performed on minors. There are cases where FGM takes place at birth, but there are also reports of FGM performed on the mother during delivery.

The procedure had been decided on by the woman's husband in 14 % of the cases, by the husband's family in 28 %, by the woman's parents in 32 %, by the woman herself in 15 % of the cases, and by someone else in 11 %. According to a 2016 survey, 24 % of mothers who forced their daughters to undergo FGM reported that they carried out the procedure out of family pressure.

The procedure causes both immediate and long-term health problems for the women subjected to it. They also suffer from psychological trauma for years afterwards.

Risk analysis

FGM amounts to persecution.

Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to FGM/C. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: young age, area of origin (particularly affecting KRI), ethnicity (particularly affecting Kurdish girls), religion (most common among Sunnis) perception of traditional gender roles in the family, level of education, local power/influence of the (potential) husband and his family or network, etc.



Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of membership of a particular social group. Girls and women, mainly in the KRI, may be subjected to FGM/C for reasons of membership of a particular social group in relation to an innate characteristic (not having been subjected to FGM) and their distinct identity (in relation to stigmatisation by society).

2.16.4. Women acting in the public sphere

Last updated: June 2022

This subsection refers to women who are considered to work in the public sphere in Iraq and KRI, such as a position as a candidate in elections, a position in healthcare, in NGOs, in media, in the transportation sector or in entertainment. This section also refers to women acting in the public sphere such as on social media.

COI summary

[[Targeting 2019](#), 3.5.7; [Actors of protection](#), 3.2, 3.4, 3.6]

The Council of Representatives allocates 25 % of the seats to women, whereas KRG's regional legislative assembly allocates 30 % of the seats to women.

Over 2 000 female candidates ran in the 2018 election. During the campaign for the parliamentary elections, posters of female candidates were vandalised and photographs allegedly showing candidates wearing revealing clothing were posted online. Some women candidates withdrew due to threats and intimidation. Women candidates gained 84 seats in the 2018 parliament following the national elections.

Sources report that the targeting of well-known women in Iraq has increased significantly. In August – September 2018, a number of prominent women were murdered in Iraq. One victim was a former beauty queen popular on social media (killed in Baghdad), another victim was a women's rights activist (killed in Basrah). Two other victims worked in beauty parlours. For many people in Iraq the only acceptable jobs for women are in certain home-related sectors or government departments. Women and girls who work in shops, cafes, entertainment, nursing or the transportation sector (taxi/truck drivers) are frowned upon.

Women's public activity may lead to harassment, particularly online through social media. Harassment can be aggressive in cases of women activists, by online defamation, vulgar distortion of hashtags and messages calling for their rape or assassination. Women faced restrictions on taking part in protests, because their families were afraid of being negatively painted. Disparagement may include claims that activists were committing 'immoral acts' such as drug abuse, homosexual acts or premarital sex. Sexual defamation may leave – especially women and girls – vulnerable to 'honour killings'. Similar harassment has been reported for female politicians and candidates.



For the situation and treatment of individuals' activity on social media, see also '[c. Persons displaying westernised behaviour](#)' in [2.13 Individuals perceived to transgress moral codes](#).

Risk analysis

The acts to which women acting in the public sphere could be exposed are of such severe nature that they would amount to persecution (e.g. violence and killings).

Not all women acting in the public sphere would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of origin, conservative environment, visibility of the applicant (e.g. nature of the work, public statements perceived negatively by the actor of persecution), perception of traditional gender roles by the family or network, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of (imputed) political opinion and/or for reasons of religion. Additionally, persecution of women who work in jobs perceived as not acceptable based on traditional gender roles may be for reasons of membership of a particular social group due to a common background (past professional experience) and their distinct identity in the surrounding society.

See also the profile [2.13 Individuals perceived to transgress moral codes](#).

2.16.5. Women perceived to have transgressed moral codes

Last updated: June 2022

Women in Iraq continue to face violence, socio-economic restrictions and discriminatory practices, as a result of traditional stereotypes, patriarchal norms, discriminatory laws as well as weakness of state institutions. [[Targeting 2022](#), 7] In regard of the specific situation and treatment of women in the context of Iraq and the KRI, due consideration should be given to the assessment of international protection needs of Iraqi female applicants.

For guidance on this topic, see the profile [2.13 Individuals perceived to transgress moral codes](#).

2.16.6. Women perceived to be associated with ISIL

Last updated: June 2022

Women in Iraq continue to face violence, socio-economic restrictions and discriminatory practices, as a result of traditional stereotypes, patriarchal norms, discriminatory laws as well as weakness of state institutions [[Targeting 2022](#), 7]. In regard of the specific situation and



treatment of women in the context of Iraq and the KRI, due consideration should be given to the assessment of international protection needs of Iraqi female applicants.

For guidance on this topic, see the profile [2.1 Persons \(perceived to be\) affiliated with ISIL](#).

2.16.7. Single women and female heads of households

Last updated: June 2022

This sub-profile refers to single women, divorced women, widowed women and women heads of households in Iraq and in the KRI.

COI summary

[[Targeting 2019](#), 3.5.5, 3.5.6; [Targeting 2022](#), 7; [KSEI 2019](#), 3.1.1, 4.1.1, 10.3, 10.5; [Perceived ISIL affiliates](#), 2.1]

Living alone as a woman is not generally accepted in Iraq because it is considered inappropriate behaviour. Women living on their own will often encounter negative attitudes from society and are at a particularly high risk of violence. Women in female-headed households, divorced women and widows are in a vulnerable position economically and in terms of exposure to harassment, and have difficulty finding employment, especially if they lack the protection of a male relative and necessary connections to find employment and sustain dependent children. Women experience economic discrimination in access to employment, credit and pay equality. It is difficult for a single person to rent housing in Iraq because Iraqi society does not accept single people living alone or with non-relative families, particularly women. Women who have been repudiated by their family and lack a social support network, are considerably worse off. Additionally, the position of single women who are self-sufficient because they have a job differs from the position of unemployed and/or uneducated women.

The situation for single women may vary depending on their level of education, on whether they live in cities or not, and on their financial independence. Although it is reportedly possible for an educated woman with an income to live in a city on her own, 'as long as she does not have an honour conflict with her family', in practice the possibility for single women to live on their own has been reduced due to deteriorating societal restrictions and financial situation in the country. [[Targeting 2022](#), 7.3]

Iraqi women have the right to initiate divorce by law; however breaches of the law, due to tribal and religious norms, have been reported. Financial support for divorced women is legally deficient. Although the father is the guardian of the children under Iraqi law, a divorced woman may obtain custody of her children until they reach age 10, and up to age 15 upon a court decision. Obtaining identity cards and access to services continued to be a problem for women with children conceived as a result of rape, and the lack of identity documents could lead to statelessness. Despite the recent years reported increase in divorce rate, divorced women in Iraq still face discrimination and stigma. It is customary for divorced women to return to the care of their families. However, they may be subject to abuse and stigma due to their status.



Widowed women may be harboured by their own family or by their in-laws. In those circumstances, male relatives will act as their custodian. There were reports of several cases of women who became widows after being forced to marry ISIL fighters. These widows did not have marriage certificates or birth certificates of their children and were stigmatised due to their association with ISIL. For guidance on women with perceived affiliation to ISIL, see section [2.1 Persons \(perceived to be\) affiliated with ISIL](#).

Women from female-headed households in IDP camps have been subjected to sexual violence, including rape and sexual exploitation by government forces and camp residents. Women in IDP camps have also adopted negative coping strategies like survival sex and early marriage and withdrawing their daughters from school in order to protect them from sexual abuse and harassment.

For women, there are many societal and family restrictions and any woman living outside a family community is at risk. In addition to that, to be a divorced woman in the **Kurdish society** is still considered to be tough and stigmatising. In the **KRI**, single people, especially women, are unable for cultural reasons to rent properties on their own and in most hotels, women are not allowed to stay alone. Erbil and Dohuk are both known as conservative regions with strict control of women. The USDOS annual human rights report, covering 2019, states that single women and widows in KRI but also in the rest of the country, often faced problems registering their children's births, leading to problems accessing public services like food distribution, healthcare and education.

Furthermore, divorced women who return to live with their families may be subject to abuse and stigma due to their status.

Risk analysis

The individual assessment of whether discrimination of single women and female heads of households could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures. Moreover, being a single woman or a female head of household further enhances the risk for such women to be exposed to acts, which would amount to persecution (e.g. rape and sexual exploitation).

Not all single women and female heads of households would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: personal status, area of origin and residence (e.g. IDP camps), perception of traditional gender roles in the family or community, economic situation, education, etc.

Nexus to a reason for persecution

Where well-founded fear of persecution is substantiated, available information indicates that persecution of this profile may be for reasons of membership of a particular social group (e.g.



divorced women or widows, due to their common background which cannot be changed and distinct identity in Iraq, in relation to stigmatisation by society).

2.17. Children

This profile refers to nationals of Iraq and KRI under the age of 18.

In the following subsections, the focus is on certain child-specific circumstances of increased vulnerability and risks that those children in Iraq may be exposed to.



The contents of this chapter include:

- [2.17.1. Violence against children: overview](#)
- [2.17.2. Child marriage](#)
- [2.17.3. FGM/C](#)
- [2.17.4. Child labour and child trafficking](#)
- [2.17.5. Child recruitment](#)
- [2.17.6. Education of children and girls in particular](#)
- [2.17.7. Children born under ISIL who lack civil documentation](#)
- [2.17.8. Children without a care-taker](#)

2.17.1. Violence against children: overview

Last updated: January 2021

COI summary

[[Targeting 2019](#), 3.5.6, 3.8.4, 3.8.5; [Actors of protection](#), 4.1, 5.3.1.2, 8.2, 9.1]

According to a May 2018 report of the UN Secretary-General which examines findings of 2017, killing and maiming remained the most prevalent violations against children witnessed in Iraq. Of the total number of verified cases of killing and maiming, 424 were attributed to ISIL, 109 to ISF and the international counter-ISIL coalition, 34 to Peshmerga and 150 to unknown parties to the conflict.

Sexual enslavement of children by ISIL and sexual exploitation and abuse of children were prevalent, according to the UN's 2015 report. Being a victim of rape or kidnapping can be a



cause for honour crimes. Authorities often treat sexually exploited children as criminals instead of victims.

Children were reportedly subjected to arbitrary arrests, torture and cruel punishment by police in detention and there were reports of children being held in pre-trial detention for long periods, in particular in case of perceived affiliation to ISIL. Children in detention were subjected to poor conditions, overcrowding, physical and sexual abuse. See also [2.1 Persons \(perceived to be\) affiliated with ISIL](#).

UNAMI writes that in Iraq due to the ‘honour’ mitigation, fighting crime against women and children ‘remains problematic’. Police in Iraq lacked sufficient capacity to respond to violence against women and children via its 16 family protection units. According to the UN Human Rights Council, the police’s family protection units are understaffed and ‘remain inaccessible to most victims’ of domestic violence.

Legal protections for children and women against domestic violence in Iraq and KRI were described as ‘insufficient’ by the UN, which has also noted that the existing legal and policy frameworks in Iraq for criminal justice ‘largely fail’ to protect women and children who have been subjected to sexual violence. Violence in the family was underreported due to shame, fear of family or community reprisals, or of harassment and abuse from police and security forces. Information on sexual violence remains difficult to obtain as a result of stigma against the victims and fear of reprisals.

See also [2.16.1 Violence against women and girls: overview](#).

Risk analysis

Some acts of violence to which children could be exposed to (e.g. arbitrary arrest or torture in relation to children associated with ISIL, sexual assault, rape, honour violence) would amount to persecution. In case of other forms of violence, the assessment should take into account the severity and repetitiveness of the violence.

Not all children would face the level of risk required to establish a well-founded fear of persecution in relation to violence. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: gender (boys and girls may face different risks), perceived affiliation with ISIL (see [2.1 Persons \(perceived to be\) affiliated with ISIL](#)), age, perception of traditional gender roles in the family, poor socio-economic situation of the child and the family, etc.

Nexus to a reason for persecution

The individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated. For example, persecution of this profile may be for reasons of (imputed) political opinion (e.g. in case of perceived link to armed groups), religion (e.g. when persecution is by extremist groups), and/or membership of a particular social group (e.g. honour violence against children victims of sexual abuse may be due to their



common background which cannot be changed (past experience of sexual abuse) and distinct identity in Iraq, in relation to stigmatisation by society).

2.17.2. Child marriage

See the section on [2.16.2. Forced marriage and child marriage](#) under the profile [2.16 Women](#).

2.17.3. FGM/C

See the section on [2.16.3. Female genital mutilation/cutting \(FGM/C\)](#) under the profile [2.16 Women](#).

2.17.4. Child labour and child trafficking

Last updated: January 2021

COI summary

[[Targeting 2019](#), 3.8.2, 3.8.5; [Actors of protection](#), 9.1; [KSEI 2019](#), 4.1.2, 4.2, 4.3]

The Iraqi government has established laws and regulations related to child labour. However, gaps exist in Iraq's legal framework to adequately protect children from child labour, including the prohibition of child trafficking.

In a report from June 2016, UNICEF noted that 5 % of the children aged 5 to 14 years were engaged in child labour and that half a million Iraqi children were estimated to be at work rather than at school.

In a September 2018 report that examines the findings from 2017, the US Department of Labour reported that 'children in Iraq engage in the worst forms of child labour, including in armed conflict and commercial sexual exploitation, each sometimes as a result of human trafficking'. The same report notes that 'child labourers were also exposed to sexual violence and abuse'.

In big cities, such as Baghdad, Basrah and Erbil, working children are most often involved in street vending, begging, scavenging, making them particularly vulnerable to abuse. In Basrah, for example, it is reported that child street vendors were subjected to daily beatings by people in the street and by the police and were frequently arrested or extorted. There are also reported cases of children forced by gangs to sell drugs.

It is reported that child labour especially affects minor IDPs. In 2016, the number of underage workers has increased in KRI's larger cities, partly due to the influx of displaced families and refugees. The KRG has announced legal action to curb the trend.





Child prostitution occurs in Iraq. Authorities often treat sexually exploited children as criminals instead of victims. Among IDP families, there are reported cases of girls sold in 'temporary marriages', practiced as an instrument to facilitate prostitution.

In relation to trafficking, it is reported that Iraq has failed to prosecute or convict officials involved in sex trafficking and that victims remained vulnerable to arrest, imprisonment or prosecution.

Risk analysis

Child trafficking would amount to persecution. Not all forms of child labour would amount to persecution. An assessment should be made in light of the nature of the work and the age of the child. However, worst forms of child labour, such as work that is likely to harm the health, safety or morals of children would be considered to reach the severity of persecution ⁽¹⁷⁾. The impact of child labour on access to education should also be taken into account (see the subsection [2.17.6 Education of children and girls in particular](#)). Other risks, such as involvement in criminal activities and trafficking should also be considered.

Not all children would face the level of risk required to establish a well-founded fear of persecution in relation to child labour and/or child trafficking. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: age, gender, poor socio-economic status of the child and his or her family, being in an IDP situation, etc.

Nexus to a reason for persecution

Available information indicates that in the case of child labour and child trafficking, the individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.

2.17.5. Child recruitment

Last updated: January 2021

*Minor updates added: June 2022

COI summary

[[Targeting 2019](#), 1.6, 3.8.1; [Actors of protection](#), 5.4.4; [Security 2019](#), 1.4.3; [Security 2022](#), 2.6.3; [COI query on Yazidis](#)]

⁽¹⁷⁾ International Labour Organization (ILO), Minimum Age Convention, C138, 26 June 1973, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138; Worst Forms of Child Labour Convention, C182, 17 June 1999, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182.





Child recruitment by multiple armed groups operating in Iraq has been reported. According to the USDOS assessment of 2018, ‘children remain highly vulnerable to forced recruitment and use by multiple armed groups operating in Iraq, including—but not limited to—ISIL, the PMF, tribal forces, the Kurdistan Worker’s Party (PKK), and Iran-backed militias’.

ISIL heavily recruited children. In its recruitment, the group used a biological rather than a numerical definition of adulthood that is based on perceptions of an individual’s strength and physical maturity. The Monitoring and Reporting Mechanism established by the UN documented ISIL’s recruitment of children as young as seven for combat roles. Many of the recruited children have been dispatched to the front, while others have been reported to work as spies, bomb-makers, cooks or prison guards. Thousands more have been exposed to the ideology of ISIL in ISIL-sponsored schools.

The **PMF** have reportedly recruited few children. There have been reports that PMF recruited, trained and used children in militia activities and to man checkpoints or provide support at checkpoints. There have been reports that Sunni tribal militias have recruited young men, sometimes minors, in camps for displaced persons through tribal leaders.

In 2017 it was reported that 9 children were recruited by the People’s Defence Forces — the armed wing of **PKK**. In 2020, it was also reported that recruitment and use of children in Sinjar continued by both PKK, also reportedly said to abduct children, and YBS, estimating the number of children to be in the hundreds.

Risk analysis

Child recruitment is of such severe nature that it would amount to persecution.

Given that the intensity of armed confrontations and military operations has declined significantly and based on the COI that child recruitment at the moment seldom occurs, it can be concluded that well-founded fear of persecution would only be substantiated in exceptional cases.

The individual assessment of whether there is a reasonable degree of likelihood to face persecution should take into account risk-impacting circumstances, such as: gender, area of origin, ethnic/religious background (e.g. Kurds for the PKK, Sunni Arabs for ISIL), age (being an adolescent), being an IDP, the presence/influence of armed groups, etc.

Nexus to a reason for persecution

The individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.



2.17.6. Education of children and girls in particular

Last updated: January 2021

COI summary

[[Targeting 2019](#), 3.4.2, 3.4.13, 3.8.6; [KSEI 2019](#), 4.2, 6.3.1, 7.4, 8; [Perceived ISIL affiliates](#), 2.1]

The Constitution provides that primary education is mandatory in Iraq. In a May 2017 report, UNICEF noted that education in Iraq had progressed remarkably over the last decade, with enrolment in primary education increasing at about 4.1 % per year. In November 2018, UNICEF presented the results of a survey on children's wellbeing in Iraq, according to which 92 % of children are enrolled in primary school. Over half of the children from poorer backgrounds complete their primary education. Less than a quarter of children from poorer backgrounds complete secondary education. The lowest enrolment rates are found in the southern governorates. In spite of the progress made, half of the public schools need rehabilitation and one in three schools run multiple shifts to accommodate for the demand in education.

Although girls' enrolment grew at all levels, UNICEF still notes a large gender gap. Factors like early marriage, family concerns and traditional views on the role of women in society play a role in explaining this difference. Equal access for girls has been a particular challenge in rural areas.

In conflict-affected governorates, such as Salah al-Din and Diyala, more than 90 % of school-age children were left out of the education system as of 2017. Children faced numerous barriers to accessing education, including attacks on schools and specific targeting of teachers and school personnel. Other barriers included the lack of schools nearby, the use of schools as shelters by IDPs, and as detention centres by ISIL, the costs of transportation and of school supplies, and IDPs' and refugees' lack of identification documents.

UNOCHA reported in December 2018, that 32 % of IDP children who live in camps were not in school; 26 % of those out of camps had no access to formal education.

Compared to rural areas and small towns, general requirements for quality education are often met in Baghdad. According to International Organization for Migration (IOM), writing in 2016 for the governorate of Basrah, 80 % of IDPs had access to education and the rest said it was too expensive. In addition to that, fewer girls attend schools in southern rural areas due to poverty and the strength of traditional attitudes toward education.

In the KRI, education is compulsory until the age of 15. The inflow of IDPs has put pressure on the KRI educational system, especially in urban areas, in some cases leading schools to operate in two or three shifts. A 2015 World Bank publication stated that a large majority of IDP children in the KRI remained out of school because of economic considerations; the language barrier; the lack of school infrastructure, teachers and school materials; complex administrative procedures for school enrolment and other socio-economic reasons.



As identity card is needed to enrol in public school, this prevented many children from accessing education. In general, access to education of certain minority groups, especially Roma and Iraqi of African descent, is limited.

In addition, UNICEF remarked that children most at risk of being excluded from school were girls due to safety considerations, poor children, children with uneducated mothers, and children with disabilities.

Risk analysis

The general deficiencies in the educational system, and the limited opportunities for education cannot as such be considered persecution, as they are not the result of an actor's deliberate actions⁽¹⁸⁾. However, in the case of deliberate restrictions on access to education, it should be assessed whether it amounts to persecution.

The denial of documentation, which also leads to no access to basic education, may be linked to belonging to a minority (see [2.15 Religious and ethnic minorities, and stateless persons](#)) or perceived link to ISIL (see [2.1 Persons \(perceived to be\) affiliated with ISIL](#)). See also [2.17.7 Children born under ISIL who lack civil documentation](#).

Not all children would face the level of risk required to establish a well-founded fear of persecution in relation to deliberate restrictions on access to education. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: (lack of) identification documents, ethno-religious background, gender (girls are at a higher risk), disabilities, age, perception of traditional gender roles in the family, poor socio-economic situation of the child and the family, area of origin, etc.

Nexus to a reason for persecution

Where well-founded fear of persecution is substantiated, the individual circumstances of the child should be taken into account to determine whether a nexus to a reason for persecution can be established. For example, in the case of denied identity documentation due to belonging to a minority group, nationality and/or race may apply.

⁽¹⁸⁾ CJEU, [Mohamed M'Bodj v État belge, C-542/13, judgment of 18 December 2014, Grand Chamber](#) (M'Bodj), paras. 35-36.



2.17.7. Children born under ISIL who lack civil documentation

Last updated: June 2022

COI summary

[[Internal mobility](#), 4.2, 4.3; [COI query on minorities and stateless](#), 2.5; [Targeting 2022](#), 1.3.3, 4.3.3; [KSEI 2021](#), 3.1.1, 3.1.3, 3.2, 3.2.2]

Hundreds to thousands of children born under ISIL rule or to foreign fathers were not registered at birth and lack civil documentation. Children who lack at least one piece of identity and nationality documentation such as the birth certificate, Civil Status ID Card, Iraqi nationality certificate or Unified ID Card, number more than 450 000 in Iraq. Children born to foreign fighters and children whose paternity cannot be confirmed, such as those who were born under ISIL and lack documentation or who have ISIL-issued documentation, children born to women whose husbands are dead or missing, face the risk of growing up without civil identification or being stateless, because conferring nationality requires a birth certificate. Children born to Iraqi women of foreign men, whose marriage certificates were issued by ISIL and are not recognized may be blocked from obtaining birth certificates. Without access to documentation, children are deprived of healthcare (vaccination included), social welfare programs and education. These children also face stigmatisation. If the issue of the access to documentation is not resolved before they reach adulthood, they are at risk of not having their marriages state-recognized, not being able to own or rent property, and lacking a fair chance at formal employment.

Concerning the children that were born of sexual violence, UNICEF states that although there is a legal framework in place to allow these children to obtain identity documents, 'in practice obtaining such documents is exceptionally difficult and requires women to publicly expose what they have survived – experiences that their families, culture, tribe and religion consider to be deeply shameful'.

See also [2.1. Persons \(perceived to be\) affiliated with ISIL](#).

Risk analysis

The individual assessment of whether the treatment of individuals under this profile could amount to persecution should take into account the severity and/or repetitiveness of the acts. Often, they occur as an accumulation of various measures and may reach the level of persecution.

Not all children under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-enhancing circumstances, such as: single or widow mother and/or a foreign, dead or missing father, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of membership of a particular social group, based on their common background which cannot be



changed; and due to their distinct identity in the context of Iraq in relation to their stigmatisation by the surrounding society.

2.17.8. Children without a care-taker

Last updated: January 2021

This subsection concerns children who do not have a parent or other adult family member who can take care of them in Iraq.

COI summary

[[Targeting 2019](#), 3.8.7; [KSEI 2019](#), 4.1.1, 10.6; [Internal mobility](#), 4.3]

The Iraqi State has few resources for such children, and the country's communities are too overwhelmed to handle the orphans' needs. Most of these children have been placed in the care of their extended families.

There are no accurate statistics on the number of abandoned babies in Iraq. Abandoned babies are perceived as disgraceful or the product of illicit sexual relations, and therefore, 'alienated and despised' who later become socially outcast; the mothers are at risk of being killed in honour killings by their families. Children of unknown parentage are not easily accepted in Iraq.

Adoption is not possible under Iraqi law, which permits only 'guardianship'; that can only be granted to extended family or friends 'who can provide for the child'. Adoption and orphanages are seen as 'last resorts' in Iraq.

Iraq lacks enough orphanages to host the large number of children who have lost both parents. In 2014, it was reported that Iraq has 23 orphanages. It was reported that they did not provide sufficient care and education to orphans. Media reports have observed an increasing number of children of ISIL members and foreign jihadists who have been left orphans and abandoned in Baghdad.

Risk analysis

The individual assessment of whether the treatment of individuals under this profile could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all children under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: (lack of) identification documents, whether their parentage is known, being born out of illicit sexual relations, area of origin, religion, ethnicity, etc.



Nexus to a reason for persecution

Where well-founded fear of persecution is substantiated, available information indicates that persecution of children under this profile may be for reasons of membership of a particular social group. For example, persecution of abandoned children or children of unknown parentage may be for reasons of membership of a particular social group due to their common background which cannot be changed and distinct identity in Iraq, in relation to stigmatisation by society.

2.18. Persons living with disabilities and persons with severe medical issues

Last updated: January 2021

*Minor updates added: June 2022

This profile refers to people with disabilities, including mental disabilities, as well as those who have severe medical issues, including mental health issues.

COI summary

[[Targeting 2019](#), 3.7; [Actors of protection](#), 9.3; [KSEI 2019](#), 7.1.3, 7.2; [Internal mobility](#), 3.5]

The Government of Iraq has ratified the UN Convention on the Rights of Persons with Disabilities and has adopted the Law No. 38 on the Care of Persons with Disabilities and Special Needs, including the establishment of a Commission for the promotion of respect and protection of the rights of people living with disabilities. However, people with disabilities are among the most vulnerable communities and often neglected in public discourse, according to the UN.

Persons with disabilities face a wide array of societal discrimination. The prevailing perception among the public is to treat persons with disabilities as charity. According to UNAMI, persons with disabilities 'face common experiences of often multiple, intersecting and aggravated forms of discrimination which hinder, prevent or impair their full enjoyment of their rights and their full and equal participation in all aspects of society'. This often leads to isolation of persons with disabilities and exacerbates negative psychological effects. Adults and children with disabilities are at a higher risk of violence than non-disabled, and those with mental illnesses could be particularly vulnerable.

Hospitals and other health services in Iraq are heavily concentrated in urban areas. Such facilities are either scarcely or not at all available for inhabitants of the poorer governorates. Both health services and medication are available in a public and a private sector system. There is no public health insurance system.

The lack of materials and specialised staff create difficulties in treating high numbers of patients. In addition, the system lacks doctors and medical staff who have reportedly left the country over the past years due to the conflict, lack of payment of salaries and corruption.



Following the conflict against ISIL, many civilians and members of the security forces have been left with injuries and disabilities, which require aftercare, prosthetics, and support equipment. Government and public health facilities that provide secondary treatments to emergency care, especially those treating long-term disabilities, have difficulty providing free treatment.

With regard to mental health, it has been reported that there are huge needs and the available services do not meet the demand. Challenges to the mental health system in Iraq include the lack of funding and infrastructure, limited number of mental health professionals, location of services, as they are often too far away for people to travel, as well as stigma.

Concerning the access of disabled persons to the educational system, USDOS has noted reports that persons with disabilities experienced discrimination due to social stigma and 'many children with disabilities dropped out of public school due to insufficient physical access to school buildings, a lack of appropriate learning materials in schools, and a shortage of teachers qualified to work with children with developmental or intellectual disabilities'.

Risk analysis

The lack of personnel and adequate infrastructure to appropriately address the needs of individuals with (severe) medical issues fails to meet the requirement of Article 6 QD regarding the existence of an actor that inflicts persecution or serious harm, unless the individual is intentionally deprived of healthcare⁽¹⁹⁾.

In the case of persons living with mental and physical disabilities, the individual assessment whether discrimination and mistreatment by society and/or by the family could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: age, nature and visibility of the mental or physical disability, negative perception by the family, etc.

Nexus to a reason for persecution

According to available information, if well-founded fear of persecution could be substantiated in the individual case, such persecution could be for reasons of membership of a particular social group (e.g. persons with noticeable mental disabilities, due to their innate characteristic (disability); and distinct identity linked to their stigmatisation by the surrounding society).

⁽¹⁹⁾ CJEU, *M'Bodj*, paras. 35-36. See also CJEU, *MP v Secretary of State for the Home Department*, C-353/16, judgment of 24 April 2018 (MP), paras. 57, 59.



2.19. Persons involved in and affected by blood feuds in the context of tribal conflict

Last updated: June 2022

This profile refers to individuals who are involved in and affected by blood feuds in the context of tribal conflicts.

COI summary

[[Targeting 2019](#), 3.6.1; [Targeting 2022](#), 8.5, 8.6; [Actors of protection](#), 6.6]

In the Iraqi context, tribes represent a cultural and social reality. Traditional tribal customs continue to influence day-to-day life.

Blood feuds are conflicts between tribes involving cycles of retaliatory killings. Intertribal killings may be triggered by a number of reasons, including honour-related questions, land disputes and historic intertribal animosities. It has been reported that the current instability has increased the onset of tribal conflicts, particularly in southern Iraq. For example, in the context of mass demonstrations that erupted in October 2019 in Baghdad and southern Iraq, confrontations between protesters and security forces in the south drew in the involvement of tribes. Tribes are said to be power actors who can rely on rockets, heavy machine guns and armoured vehicles. [[Targeting 2022](#), 8.6]

Killing members of another tribe will put a target on the perpetrator, as well as his tribe. In order to avoid continuous cycles of revenge killings among tribes, tribal conflict is often settled by paying compensation in the form of 'blood money' (diyya). Tribal elders meet to settle clan disputes and their verdicts reportedly override state law, especially in areas where there is limited state security and/or the state's ability to apply the law is weak. The ultimate goal of tribal mediation is to restore peace through restoring honour, thus avoiding feuds. Conflict resolution between different ethnic or religious tribes, such as a Shia tribe and a Sunni tribe, is usually considered more difficult. In areas formerly captured by ISIL, local tribal agreements were used in order to avoid the payment of 'blood money' to the family of victims of ISIL's crimes and to prevent violent retribution permitted under tribal law and to provide guidance on which IDPs should be allowed to return, especially for Sunni communities. [[Targeting 2022](#), 8.5]

Particularly in the southern governorates, women and children may also be traded to settle tribal disputes through the tribal practice of forcing women to marry members of another tribe (fasliya). Women who enter *fasliya* marriages are stripped from all of their rights, even the right to divorce or separate from their husband. See the profiles [2.16 Women](#) and [2.17 Children](#).

Due to the societal importance of tribal custom, powerful tribal affiliation can interfere with the police in upholding respect for the law. Judicial authorities do not follow up on tribal incidents and judges must seek tribal protection themselves in case of threats against them.



Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing).

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: intensity of the blood feud, possibility of conflict resolution, ethnicity and religion of the tribes, social status of the tribes, area of origin (area where the rule of law is weak, urban or rural area), gender, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of race (descent, referring to members of a tribe).



Exclusion considerations could be relevant to this profile (see the chapter [6. Exclusion](#)).

2.20. Individuals accused of ordinary crimes

Last updated: January 2021

This profile refers to people who are accused of ordinary crimes in Iraq, such as crimes against property, life, physical integrity, etc.

COI summary

[[Actors of protection](#), 4, 4.1, 6.5.2, 6.6; [Targeting 2019](#), 1.17]

The Republic of Iraq has a mixed legal system of both civil and Islamic law. The Iraqi Constitution provides guarantees for fundamental rights, rule of law, equal treatment before the law, equal participation, and judicial independence, as well as prohibition of discrimination on various grounds. Corruption and lack of independence and impartiality of the judiciary have, however, been reported. Furthermore, large-scale problems related to the lack of due process, fair trial rights and violation of the right to life, especially in relation to the application of the death penalty, have been reported.

Capital punishment is usually imposed under the Penal Code and Anti-Terrorism Law. It can be imposed for a range of crimes. Crimes that carry the death penalty in Iraq include offences, such as crimes against the internal or external security and state institutions, acts of terrorism,



kidnapping, rape, drug trafficking leading to death, prostitution, ‘aggravated’ murder and human trafficking leading to death. The death penalty is executed by hanging.

In Iraq, the death penalty was reportedly used to execute 250 convicted ISIL members since 2014, with 100 of those executions occurring in 2017. Amnesty International recorded at least 125 executions in 2017 for offences that included mostly terrorism-related acts, in addition to others related to murder, kidnapping and drugs. In April 2018, the Iraqi Ministry of Justice announced 13 executions had been carried out during the year, 11 of which for terrorism. In October 2018, the UN Security Council noted that the total number of executions publicly announced in 2018 by the Ministry of Justice was 32, although more details regarding the death sentences and executions had not been provided.

Tribal customary law (*urf*) is a longstanding, important and common mechanism for dispute resolution and preservation of order in Iraq. Tribal justice has reportedly become increasingly popular and preferred to courts and police for a wide range of issues including criminal matters such as murder, assault and theft, particularly in central and southern Iraq.

Tribal law is described as filling gaps not addressed by the state and where state institutions are weak. Tribal structures are sanctioned in practice by the State, but do not have an official status. Enforcement officials may also encourage conflicting parties to use the tribal justice system, while state courts sometimes also refer cases for tribal settlement.

Although Article 45(2) of the Iraqi Constitution prohibits tribal traditions that contradict human rights, tribal dispute mechanisms can involve violations of human rights, such as giving away female relatives as compensation, honour killings, retributive killings or banishment. Women are particularly vulnerable regarding tribal justice and can encounter harsh treatment for transgression of tribal customs. See also the profile [2.13 Individuals perceived to transgress moral codes](#).

Risk analysis

Death penalty, irrespective of the nature of the crime, is considered to amount to persecution. See, for example, [2.1 Persons \(perceived to be\) affiliated with ISIL](#). See also [Article 15\(a\) QD](#).

Prosecution for an ordinary crime by the State does not normally amount to persecution. However, violations of the due process of law and/or disproportionate or discriminatory punishments could amount to such severe violations of basic human rights. Certain tribal dispute mechanisms can involve violations of human rights amounting to persecution (giving away female relatives as compensation, honour killings, retributive killings).

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account individual risk-impacting circumstances, such as: area of origin of the applicant and the prevalent justice mechanisms, the nature of the crime for which he or she is prosecuted, the envisaged punishment, the applicant’s gender, etc.



Nexus to a reason for persecution

Available information indicates that in the case of individuals accused of ordinary crimes, there is in general no nexus to a Convention reason for persecution. This is without prejudice to the assessment in cases where the prosecution is motivated by a Convention ground, or initiated or conducted on a discriminatory basis related to a Convention ground.



Exclusion considerations could be relevant to this profile (see the chapter [6. Exclusion](#)).



3. Subsidiary protection

This chapter addresses the EU-regulated status of subsidiary protection and the situations in which, where the applicant has not been found to qualify as a refugee, they may be eligible for subsidiary protection in accordance with [Article 15 QD](#) (see also [Article 10\(2\) APD](#)).



The contents of this chapter include:

- Under the section [Article 15\(a\) QD](#), the analysis focuses on the applicable EU legal framework and the factual circumstances surrounding the ‘death penalty or execution’ in Iraq.
- The section on [Article 15\(b\) QD](#) looks into the risk of ‘torture or inhuman or degrading treatment or punishment’ in relation to particular circumstances in Iraq.
- Under the section [Article 15\(c\) QD](#), the analysis expands further and covers the different elements of the provision, looking into: ‘armed conflict’, ‘qualification of a person as a ‘civilian’, ‘indiscriminate violence’, ‘serious and individual threat’ (where further individualisation elements are discussed), ‘qualification of the harm as ‘threat to life or person’, and the interpretation of the nexus ‘by reasons of’. The sub-section on ‘indiscriminate violence’ includes an [assessment of the situation in each governorate](#) in Iraq.



3.1. Article 15(a) QD

Last updated: June 2019

As noted in the chapter [2. Refugee status](#), some profiles of applicants from Iraq may be at risk of death penalty or execution. In such cases, there could be a nexus to a reason for persecution falling under the definition of a refugee (see for example the profile [2.1 Persons \(perceived to be\) affiliated with ISIL](#)), and those individuals would qualify for refugee status. In cases where there is no nexus to a Convention ground (for example, some cases of [2.20 Individuals accused of ordinary crimes](#)), the need for subsidiary protection under [Article 15\(a\) QD](#) should be examined.



Under [Article 15\(a\) QD](#), serious harm consists of the death penalty or execution.

The **death penalty** is as such, and under any circumstances, considered as a serious harm under [Article 15\(a\) QD](#). The sentence does not need to have already been imposed. The mere existence of a real risk that on return a death penalty may be imposed on an applicant could be considered sufficient to substantiate the need of subsidiary protection.

As the addition of the term '**execution**' suggests, [Article 15\(a\) QD](#) also encompasses the intentional killing of a person by non-State actors exercising some kind of authority. It may also include extrajudicial killings, but an element of intentional and formalised punishment needs to be present.

Under the 2005 Constitution of Iraq, the President ratifies death sentences 'issued by the competent courts'. The death penalty is prescribed under Article 86 of the Iraqi Penal Code No.11 of 1969. Crimes that carry the death penalty include a variety of offences, such as crimes against internal or external security and state institutions, acts of terrorism, kidnapping, rape, drug trafficking leading to death, prostitution, 'aggravated' murder, human trafficking leading to death, etc. The definition of 'terrorism' crimes under the Anti-Terrorism Law is broad and susceptible to wide interpretation. The death penalty is also provided for under the Military Penal Code, Articles 27 and 28, and the Iraqi Internal Security Forces Penal Code of 2008, for example, for offences relating to failures to perform one's duties or surrendering military installations. The death penalty is executed by hanging. [[Targeting 2019](#), 1.17]

Iraq continues to carry out capital punishment, being among the top three countries in the Middle East that impose and carry out executions according to Amnesty International's 2017 report. Amnesty International recorded at least 125 executions in 2017 for offences that included mostly terrorism-related acts, in addition to others related to murder, kidnapping and drugs. The Ministry of Justice also reported in 2017 that 3 to 4 executions occur per week in Baghdad and Nasiriyah prisons, noting that 15-20 % of the 6 000 prisoners in Nasiriyah Central Prison have a death sentence. In April 2018, the Ministry of Justice announced that 13 executions had been carried out in 2018, 11 for terrorism. In October 2018, the UN Security Council noted that the total



number of executions in 2018, publicly announced by the Ministry of Justice, was 32, although more details about the death sentences and executions had not been provided [[Targeting 2019](#), 1.17].

KRG has maintained the capital punishment, however, a *de facto* moratorium on executions had been reportedly established since 2008. This was breached on two occasions in 2015 and 2016. Both the federal and regional governments cited popular pressure as a reason to continue to apply or resume the death penalty in particular in response to crimes committed by ISIL [[Targeting 2019](#), 1.17.2].

In areas under its control, ISIL committed executions and some of them may be considered as 'punishment', such as for refusal to join them or for transgressing the moral codes as they are set by ISIL and its strict interpretation of the Sharia law [[Targeting 2019](#), 2.2.1].

If there is a reasonable degree of likelihood of death penalty or execution, subsidiary protection under [Article 15\(a\) QD](#) shall be granted, unless the applicant is to be excluded in accordance with [Article 17 QD](#).



In some cases, the death penalty would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion grounds under [Article 17 QD](#). Therefore, although the criteria of [Article 15\(a\) QD](#) would be met, exclusion considerations should be examined. See the chapter [6. Exclusion](#).



3.2. Article 15(b) QD

Last updated: June 2019

As noted in the chapter [2. Refugee status](#), some profiles of applicants from Iraq may be at risk of torture or inhuman or degrading treatment or punishment. In such cases, there would often be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground, the need for subsidiary protection under [Article 15\(b\) QD](#) should be examined.



Under [Article 15\(b\) QD](#), serious harm consists of **torture or inhuman or degrading treatment or punishment of an applicant in the country of origin**.

[Article 15\(b\) QD](#) corresponds in general to [Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms \(ECHR\)](#). The jurisprudence of the European Court of Human Rights (ECtHR), therefore, provides relevant guidance in order to assess whether a treatment may qualify under [Article 15\(b\) QD](#).

Torture is an aggravated and deliberate form of cruel, inhuman or degrading treatment to which a special stigma is attached.

- ▶ According to relevant international instruments, such as the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(CAT\)](#), ‘**torture**’ is understood as:
 - ✓ an intentional act
 - ✓ that inflicts severe pain or suffering, whether physical or mental
 - ✓ for such purposes as obtaining from the person subjected to torture or from a third person information or a confession, punishing the former for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind.

The distinction between torture and inhuman or degrading treatment or punishment is more a difference of degree than of nature. These terms cover a wide range of ill-treatment that reach a certain level of severity.

- ▶ ‘**Inhuman**’ refers to treatment or punishment which deliberately causes intense mental or physical suffering (which does not reach the threshold of torture).



- ▶ **‘Degrading’** refers to treatment or punishment which arouses in the victim feelings of fear, anguish and inferiority capable of humiliating or debasing them.

The assessment whether a treatment or punishment is inhuman or degrading further implies a subjective consideration by the person who suffers such treatment or punishment. No specific purpose on the part of the perpetrator (e.g. obtaining information or a confession, punishing, intimidating) is required in this regard.

When examining the need for protection under [Article 15\(b\) QD](#), the following considerations should be taken into account:

- **Healthcare unavailability and socio-economic conditions:** It is important to note that serious harm must take the form of conduct of an actor ([Article 6 QD](#)). In themselves, the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of IDPs, difficulties in finding livelihood opportunities, housing) are not considered to fall within the scope of inhuman or degrading treatment under [Article 15\(b\) QD](#), unless there is intentional conduct on the part of an actor, such as the intentional deprivation of the applicant of appropriate healthcare ⁽²⁰⁾.

See also the profile [2.18 Persons living with disabilities and persons with severe medical issues](#).

- **Criminal violence:** Criminal networks in Iraq have been exploiting children for drug trafficking and dealing purposes and migrants for forced labour. Actors such as PMF and tribes are also reported to engage in criminality [[Targeting 2019](#), 3.1.2; [Security 2019](#), 1.3.4, 1.4.2.2, 1.4.3, 2.8]. Criminal violence is usually motivated by financial gain and power struggle. Where there is no nexus to a reason for persecution under the refugee definition, the risk of crimes, such as killing, armed robbery, kidnapping, destruction of property, extortion, forced labour, child recruitment, trafficking for sexual exploitation, etc. may qualify under Article 15(b) QD.
- **Arbitrary arrests, illegal detention and prison conditions:** Special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions. When assessing the conditions of detention, the following elements can, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world.

Reports mention that there are arbitrary arrests, prolonged detention, including in secret detention facilities, and widespread torture, especially of terrorism suspects. Detention facilities have been described by UNAMI as seriously overcrowded and with poor

⁽²⁰⁾ CJEU, *M'Bodj*, paras. 35-36. See also CJEU, *MP*, paras. 57, 59.

infrastructure, including the facilities for juveniles; and children are not always separated from adult detainees. Torture is reported to remain a widespread practice in police detention, interrogation cells, and in prisons. Detained ISIL suspects have been subjected to treatment such as electrocution, solitary confinement, and beatings by investigators. There were reports of deaths in custody following torture or other ill-treatment. International human rights groups documented a wide range of torture and abuses in detention facilities run by the Ministry of Interior and, to a lesser degree, in facilities of the Ministry of Defence and in facilities run by the KRG. In KRI, the access of local and international organisations to detention facilities is also severely limited, rendering monitoring of the situation almost impossible [[Targeting 2019](#), 1.18; [Actors of protection](#), 6.5.3, 6.5.4].

Furthermore, it can be assessed that in cases where the prosecution or punishment is grossly unfair or disproportionate, or where subjecting a person to prison conditions which are not compatible with respect for human dignity, a situation of serious harm under Article 15(b) QD can occur. Where there is no nexus to a reason for persecution, such treatment may qualify under Article 15(b) QD.

See also the profile of [2.20 Individuals accused of ordinary crimes](#).



In some cases, those at risk of torture or inhuman or degrading treatment or punishment (for example, because of mistreatment in prisons) may also have committed or contributed to excludable acts as defined in [Article 17 QD](#). Therefore, although the criteria of [Article 15\(b\) QD](#) would be met, exclusion considerations should be examined. See the chapter [6. Exclusion](#).

3.3. Article 15(c) QD

Last updated: June 2022

This section focuses on the application of the provision of [Article 15\(c\) QD](#). Under [Article 2\(f\) QD](#) in conjunction with [Article 15\(c\) QD](#), subsidiary protection is granted where ‘*substantial grounds have been shown for believing that the person would face a real risk of suffering serious harm defined as ‘serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict’*. Each element of the provision is addressed in a separate subsection.



The contents of this chapter include:

- [Preliminary remarks](#)



- [Armed conflict \(international or internal\)](#)
- [Qualification of a person as a 'civilian'](#)
- [Indiscriminate violence](#)
- [Anbar](#)
- [Babil/Babylon](#)
- [Baghdad](#)
- [Basrah](#)
- [Dohuk/Dahuk](#)
- [Diyala](#)
- [Erbil](#)
- [Kerbala](#)
- [Kirkuk \(Tameem\)](#)
- [Missan](#)
- [Muthanna](#)
- [Najaf](#)
- [Ninewa](#)
- [Qadisiya](#)
- [Salah al-Din](#)
- [Sulaymaniyah incl. Halabja](#)
- [Thi-Qar/Dhi Qar](#)
- [Wassit](#)
- [Serious and individual threat](#)
- [Qualification of the harm as a 'threat to \(a civilian's\) life or person'](#)
- [Nexus/'by reason of'](#)





Preliminary remarks

Last updated: June 2022

■ Reference period

The following assessment is based on the EUAA COI report on the security situation in Iraq which contains information on the conflict in Iraq since 2020. The general reference period for this chapter is **1 August 2020 – 31 October 2021**.



This guidance should be considered valid as long as current events and developments fall within the trends and patterns of violence observed within the reference period of the mentioned COI report. New events and developments that cause substantial changes, new trends or geographical shifts in the violence, may lead to a different assessment. The security situation in a given territory should always be assessed in light of the most up-to-date COI available.

■ Legal framework

[Article 15\(c\) QD](#) defines the third type of harm that constitutes a ground for qualification for subsidiary protection. It covers a more general risk of harm and the protection needs which may arise from armed conflict situations.



Under Article 15(c) QD, serious harm consists of **serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict**.



In addition to the applicable EU legal instruments, this analysis builds on the most relevant European case law. Three judgments of the CJEU²¹ and one judgment of the ECtHR have been taken into account in particular.

⁽²¹⁾ It can be noted that a relevant case is currently pending at the CJEU: [Case C-579/20](#) (Request for a preliminary ruling from Staatssecretaris van Justitie en Veiligheid, the Netherlands) concerns the application of Article 15(c) QD when the level of 'mere presence' is not reached and the application of a 'sliding scale'.



CJEU, *Diakité* judgment
(²²)

The judgment is of importance for the interpretation of relevant concepts, and in particular of ‘internal armed conflict’.

CJEU, *Elgafaji* judgment
(²³)

The judgment is of importance with regard to the appreciation of the degree of indiscriminate violence and in particular with regard to the application of the ‘sliding scale’. In this judgment, the CJEU further discusses the ‘serious harm’ under the provision of [Article 15\(c\) QD](#) in comparison to the other grounds for granting subsidiary protection and considers the relation between [Article 15\(c\) QD](#) and the ECHR, in particular [Article 3 ECHR](#).

CJEU, *CF and DN* judgment (²⁴)

The judgment is of particular importance for the interpretation of the concept of ‘serious and individual threat to a civilian’s life or person’ in the context of an international or internal armed conflict under [Article 15\(c\) QD](#). The CJEU found that ‘Article 15(c) of Directive 2011/95 must be interpreted as meaning that, in order to determine whether there is a ‘serious and individual threat’, within the meaning of that provision, a comprehensive appraisal of all the circumstances of the individual case, in particular those which characterise the situation of the applicant’s country of origin, is required.’

Furthermore, that ‘the elements to be taken into account in assessing whether there is a real risk of serious harm, within the meaning of Article 15(c) of Directive 2011/95 may also include the intensity of the armed confrontations, the level of organisation of the armed forces involved, and the duration of the conflict [...], as well as other elements such as the geographical scope of the situation of indiscriminate violence, the actual destination of the applicant in the event that he or she is returned to the relevant country or region and potentially intentional attacks against civilians carried out by the parties to the conflict.’

(²²) CJEU, *Aboubacar Diakité v Commissaire général aux réfugiés et aux apatrides*, C-285/12, judgment of 30 January 2014 (*Diakité*).

(²³) CJEU, *Elgafaji v Staatssecretaris van Justitie*, C-465/07, Grand Chamber, judgment of 17 February 2009 (*Elgafaji*).

(²⁴) CJEU, *CF and DN v Bundesrepublik Deutschland*, C-901/19, Third Chamber, judgment of 10 June 2021 (*CF and DN*).



ECtHR, *Sufi and Elmi* judgment ⁽²⁵⁾

It should be noted that ECtHR jurisprudence on [Article 3 ECHR](#) is not of direct applicability when discussing the scope and elements of [Article 15\(c\) QD](#). However, the elements outlined in *Sufi and Elmi* with regard to the assessment of the security situation in a country, and the degree of generalised violence, were consulted in order to design the [indicators of indiscriminate violence](#) for the purposes of this common analysis.

The elements to examine under [Article 15\(c\) QD](#) are:

Figure 7. Elements of the legal provision of Article 15(c) QD.



All of these elements have to be fulfilled in order to grant subsidiary protection under [Article 15\(c\) QD](#).

Common analysis and assessment of the factual preconditions for the possible application of [Article 15\(c\) QD](#) with regard to the situation in Iraq is provided below.

3.3.1. Armed conflict (international or internal)

⁽²⁵⁾ ECtHR, *Sufi and Elmi v United Kingdom*, Applications nos. 8319/07 and 11449/07, judgment of 28 June 2011 (*Sufi and Elmi*).



A definition of an international or an internal armed conflict within the meaning of [Article 15\(c\) QD](#) is not provided by the QD itself. In *Diakité*, the CJEU interprets the concept of ‘internal armed conflict’ under [Article 15\(c\) QD](#) and concludes that it must be given an interpretation, which is autonomous from international humanitarian law.



[...] internal armed conflict exists, for the purposes of applying that provision, if a State’s armed forces confront one or more armed groups or if two or more armed groups confront each other. It is not necessary for that conflict to be categorised as ‘armed conflict not of an international character’ under international humanitarian law;

CJEU, *Diakité*, para.35

In *Diakité*, the CJEU sets a low threshold to assess whether an armed conflict is taking place, noting that,



[...] nor is it necessary to carry out, in addition to an appraisal of the level of violence present in the territory concerned, a separate assessment of the intensity of the armed confrontations, the level of organisation of the armed forces involved or the duration of the conflict

CJEU, *Diakité*, para.35

Furthermore, in the context of [Article 15\(c\) QD](#), differentiation between ‘international’ or ‘internal’ armed conflict is not necessary, as the provision is equally applicable in situations of international and internal armed conflict.

It should also be noted that an armed conflict can be taking place only in parts of the territory.



There are multiple overlapping non-international (internal) armed conflicts taking place in Iraq, most prominently, the conflict between the Iraqi government and ISIL. The Iraqi government is supported by a range of actors, including the Peshmerga, a range of PMF and other militia armed groups, and an international coalition led by the US. [\[Security 2022, 1.1.\]](#)

Parts of Iraq are also affected by an international armed conflict involving Turkey which has conducted airstrikes against the Kurdistan workers Party (PKK), without the consent of the Iraqi government [\[Security 2022, 1.1.\]](#)

Parts of Iraq are affected by an armed conflict involving Iran which has been directly involved in bombardments and attacks of Kurdish Iranian groups, and has backed PMF [\[Security 2022, 1.3.1\]](#)



The section [Indiscriminate violence in Iraq](#) provides further guidance with regard to the geographical scope of the armed conflicts taking place on the territory of Iraq.

3.3.2. Qualification of a person as a ‘civilian’

Last updated: January 2021

*Minor updates added: June 2022

Being a civilian is a prerequisite in order to be able to benefit from protection under [Article 15\(c\) QD](#). The purpose of the provision is to protect only those who are not taking part in the conflict. This includes the potential application of [Article 15\(c\) QD](#) to former combatants who have genuinely and permanently renounced armed activity.

The Qualification Directive itself does not provide a definition of the term ‘civilian’. In light of the interpretative guidance given by CJEU in *Diakité*, the term should be read by reference to its usual meaning in everyday language, whilst taking into account the context in which it occurs and the purposes of the rules of which it is a part. Therefore, the term ‘civilian’ could be considered to refer to a person who is not a member of any of the parties in the conflict and is not taking part in the hostilities, including those who are no longer taking part in hostilities.

In the context of Iraq, applications by persons falling under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under [Article 15\(c\) QD](#). For example:

- **ISIL and associated groups:** insurgents belonging to ISIL and its predecessor groups in Iraq, including associated groups fighting against the Iraqi government.
- **New militant factions of ISIL remnants:** groups of ISIL remnants appear to be building new militant factions in the Hamreen Mountains; one of them goes under the name of the ‘White flags’.
- **Other militant groups:** aside from ISIL, other smaller militant Sunni jihadist groups were present in Iraq in the course of the Sunni uprising against the Maliki government. Main ones were Jamaat Ansar Al-Islam, the Naqshbandi Order, Jaysh Al-Mujahideen and the Islamic Army of Iraq.
- **ISF:** formal military and security forces, including the Iraqi Army, the Federal Police, the Emergency Response Division, Provincial Emergency Police Battalions, Border Guards having a role in counterterrorism and the Counter Terrorism Service.
- **PMF and other militia groups:** armed groups including PMF, minority militias and Sunni Tribal Militias or Tribal Mobilisation militias.
- **KRG forces:** including Peshmerga forces and the forces of the *Asayish*, participating in activities regarding the conflict with ISIL.



- **PKK:** PKK fighters were engaged in violent clashes with Turkish and KRG forces.
- **Tribes:** tribes are often armed with heavy weapons and have also become entangled as actors in the ISIL conflict.

[[Actors of protection](#), 5.1–5.5; [Targeting 2019](#), 1.1; [Security 2022](#), 1.1, 1.3]

See also the chapter on [Actors of persecution or serious harm](#).

It should be noted that actively taking part in hostilities is not limited to openly carrying arms but could also include substantial logistical and/or administrative support to combatants.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon return. The fact that the person took part in hostilities in the past would not necessarily mean that [Article 15\(c\) QD](#) would not be applicable to him or her. For example, the assessment should take into account whether the person had voluntarily taken part in the armed conflict; those who willingly joined the armed groups are unlikely to be considered civilians.

In case of doubt regarding the civilian status of a person, a protection-oriented approach should be taken, which is also in line with international humanitarian law, and the person should be considered a civilian.



Exclusion considerations may also apply (see the chapter [6. Exclusion](#)).

3.3.3. Indiscriminate violence

Last updated: June 2022

‘Indiscriminate violence’ refers to the source of the specific type of serious harm defined in [Article 15\(c\) QD](#). The CJEU in *Elgafaji* notes that the term ‘indiscriminate’ implies that the violence,



[...] may extend to people irrespective of their personal circumstances.

CJEU, *Elgafaji*, para.34

Some acts of violence may be indiscriminate by their nature, for example: (suicide) bombings, attacks and armed confrontations in areas that are inhabited or frequented by civilians (e.g. marketplaces, public roads, healthcare facilities).



In armed conflicts the targeting of civilians may have nexus to one of the reasons for persecution according to the refugee definition.

Therefore, refugee status may be granted as noted in the section above (see, for example, the profiles [2.1. Persons \(perceived to be\) affiliated with ISIL](#), [2.9. Individuals perceived to oppose ISIL](#), [2.15. Religious and ethnic minorities, and stateless persons](#)). Such targeted violence, furthermore, would not be considered ‘indiscriminate’.

Based on *Elgafaji*, in situations where indiscriminate violence is taking place, the following differentiation can be made with regard to its level:

Figure 8. Levels of indiscriminate violence on the basis of CJEU, *Elgafaji*, para.43.

I. territories where the degree of indiscriminate violence reaches such a high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, **solely on account of his or her presence** on the territory of that country or region, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

In this category, ‘mere presence’ would exceptionally be considered sufficient and no further individual elements would need to be substantiated.

II. territories where indiscriminate violence takes place, however it does not reach such a high level, and with regard to which **additional individual elements would have to be substantiated**.

Within this category, the level of indiscriminate violence may vary from territories where it is of such a low level that in general there would be no real risk for a civilian to be personally affected, to territories where the degree of indiscriminate violence is high and a lower level of individual elements would be required to establish a real risk of serious harm under Article 15(c) QD.

With regard to the second category (text box on the right), *Elgafaji* provides guidance on how the serious and individual threat has to be assessed, an approach commonly referred to as the ‘sliding scale’:



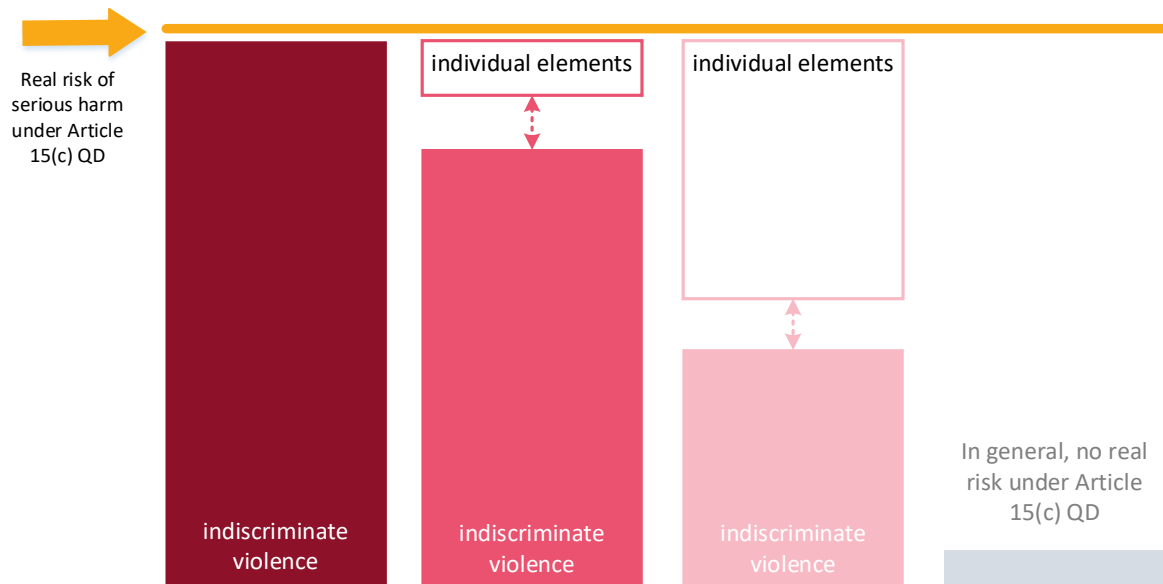
[...] the more the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstances, the lower the level of indiscriminate violence required for him to be eligible for subsidiary protection.

CJEU, *Elgafaji*, para.39

See further guidance on this in the sub-section [Serious and individual threat](#).

The graph below illustrates the further differentiated standard scale applied in country guidance with regard to the different levels of indiscriminate violence and the respective degree of individual elements required in order to find that a real risk of serious harm under [Article 15\(c\) QD](#) is substantiated for the applicant.

Figure 9. Indiscriminate violence and individual elements in establishing real risk of serious harm under Article 15(c) QD.



Depending on the level of indiscriminate violence taking place, the territories in a country can be categorised as follows.

I. Territories where ‘mere presence’ would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD.

Territories where the degree of indiscriminate violence reaches such an exceptionally high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, **solely on account of his or her presence** on the territory of that country or region, face a real risk of being subject to the serious threat referred to in [Article 15\(c\) QD](#).

II. Territories where real risk of serious harm under Article 15(c) QD may be established if the applicant is specifically affected by reason of factors particular to his or her personal circumstances following a ‘sliding scale’ approach.

Territories where ‘mere presence’ in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD, however, indiscriminate violence reaches a



high level, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm in the meaning of [Article 15\(c\) QD](#).

Territories where indiscriminate violence is taking place, however **not at a high level** and, accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm in the meaning of [Article 15\(c\) QD](#).

Lastly, there are territories with regard to which [Article 15\(c\) QD](#) would in general not be applicable, either because the criteria for an armed conflict within the meaning of this provision are not met or because no indiscriminate violence is taking place or because the level of indiscriminate violence taking place is so low, that in general there would be no real risk for a civilian to be affected by it.

Territories where, in general, there is **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Indicators of indiscriminate violence

The common analysis below regarding the degree of indiscriminate violence taking place in the different governorates of Iraq combines quantitative and qualitative elements in a holistic and inclusive assessment.

The indicators applied are formulated in reference to the ECtHR judgment in *Sufi and Elmi*:



[...] first, whether the parties to the conflict were either employing methods and tactics of warfare which increased the risk of civilian casualties or directly targeting civilians; secondly, whether the use of such methods and/or tactics was widespread among the parties to the conflict; thirdly, whether the fighting was localised or widespread; and finally, the number of civilians killed, injured and displaced as a result of the fighting.^{25F26}

ECtHR, *Sufi and Elmi*, para.241

These indicators were further developed and adapted in order to be applied as a general approach to assessing the element of 'indiscriminate violence', irrespective of the country of origin in question. The security situation in the respective territories is assessed by taking into account the following elements:

⁽²⁶⁾ ECtHR, *Sufi and Elmi*, para.241.



(j) Presence of actors in the conflict

This indicator looks into the presence of actors in the conflict in the respective governorate and their relations. Seen in conjunction with the methods and tactics known to be used by the different actors, this is considered an indication of the risk civilians may face in the respective area.

(k) Nature of methods and tactics

Some methods and tactics used in an armed conflict are by their nature more indiscriminate than others and create a more substantial risk for civilians. Therefore, information on these is particularly relevant in the assessment of risk under [Article 15\(c\) QD](#).

ISIL are particularly known to use methods which are of indiscriminate nature, such as (suicide) bombings and attacks on whole villages.

The State actors tend to use methods and tactics of more targeted nature; however, they may also (indiscriminately) affect civilians, such as in the case of airstrikes and shelling.

(l) Number of incidents

The number of security incidents is an important indicator, pointing to the intensity of hostilities in a certain area. In relation to this indicator, data collected by the Armed Conflict Location and Event Data Project (ACLED) and by United Nations Assistance Mission for Iraq (UNAMI) are consistently presented per governorate.

ACLED collects data on several types of violent incidents in Iraq: battles, violence against civilians, explosions/remote violence, riots, protests, strategic developments. Each incident is coded with the time and place, type of violent incident, the parties involved, and the number of fatalities. The COI summaries per governorate focus in particular on the number of incidents coded as follows:

- ✓ **Battles:** violent clashes between at least two armed groups.

Battles can occur between armed and organised State, non-State, and external groups, and in any combination therein. Sub-events of battles are armed clashes, government regains territory and non-State actor overtakes territory.

- ✓ **Explosions/remote violence:** events where an explosion, bomb or other explosive device was used to engage in conflict.

They include one-sided violent events in which the tool for engaging in conflict creates asymmetry by taking away the ability of the target to engage or defend themselves and their location. These include air/drone strikes, suicide bombs, shelling/artillery/missile attack, remote explosive/landmine/IED, grenade, chemical weapon.



- ✓ **Violence against civilians:** violent events where an organised armed group deliberately inflicts violence upon unarmed non-combatants.

It includes violent attacks on unarmed civilians such as sexual violence, attacks, abduction/forced disappearance.

UNAMI data focuses on **armed conflict-related incidents**, which have **directly impacted civilians** (causing civilian casualties) and the **civilian nature of property and protected areas** (such as civilian houses, cropland, schools, health facilities and mosques).

For further information on the data, see [Security 2022](#).

In order to provide an indication of the relative intensity of incidents, the number of security incidents is furthermore presented as a weekly average for the full reporting period. This may not be representative of the fluctuations in the intensity of violence. Where relevant information is available, such fluctuations are additionally mentioned.

(m) Geographical scope

The general approach under this section is to provide assessment at governorate level. This indicator looks into how widespread the violence is within the area and whether it affects the whole of the governorate or certain parts of it. Where such information is available, the analysis highlights the districts which are particularly affected by indiscriminate violence and/or the districts which are relatively less affected. The accessibility of the area should also be taken into account.

(n) Civilian casualties

This is considered a key indicator when assessing (the level of) indiscriminate violence in the context of [Article 15\(c\) QD](#).

The data used for this indicator consistently refers to the number of civilian casualties (deaths and injuries) in armed conflict-related incidents in each governorate, as recorded by UNAMI from **1st August 2020 until 31st October 2021**. The reported number of casualties is further weighted by the population of the governorate and presented as '**number of civilian casualties per 100 000 inhabitants**', further rounded to the unit.

(o) Displacement

Under this indicator, the COI summaries per governorate provide information about recent IDP movements from the governorate, including to other places within the governorate itself. Information on returns to the governorate is also provided. The latter also captures return from other governorates as well as from within the governorate itself.

In addition to the indicators above, some examples of further impact of the armed conflicts on the life of civilians are mentioned and taken into account in the assessment.



The 'iMMAP, Humanitarian Access response: Explosive Hazards Risk Level on Roads' maps, referred to in the [Security 2022](#) COI report, have been used to assess the risk level for civilians on roads.



None of the indicators above would be sufficient by itself to assess the level of indiscriminate violence and the risk it creates for the civilian population in a particular area. Therefore, a holistic approach has been applied, taking into account all different elements.

It should, furthermore, be noted that the COI used as a basis for this assessment cannot be considered a complete representation of the extent of indiscriminate violence and its impact on the life of civilians. Concerns with regard to underreporting should be underlined.



Indiscriminate violence in Iraq

Last updated: June 2022

The next sections provide detailed information and assessment of the level of indiscriminate violence and the risk it represents for civilians in Iraq per governorate. Summaries are structured according to the following elements:

- General information
- Background of the conflict
- Actors: control and presence
- Nature of violence and examples of incidents
- Incidents: data
- Geographical scope
- Civilian fatalities: data
- Displacement
- Further impact on civilians

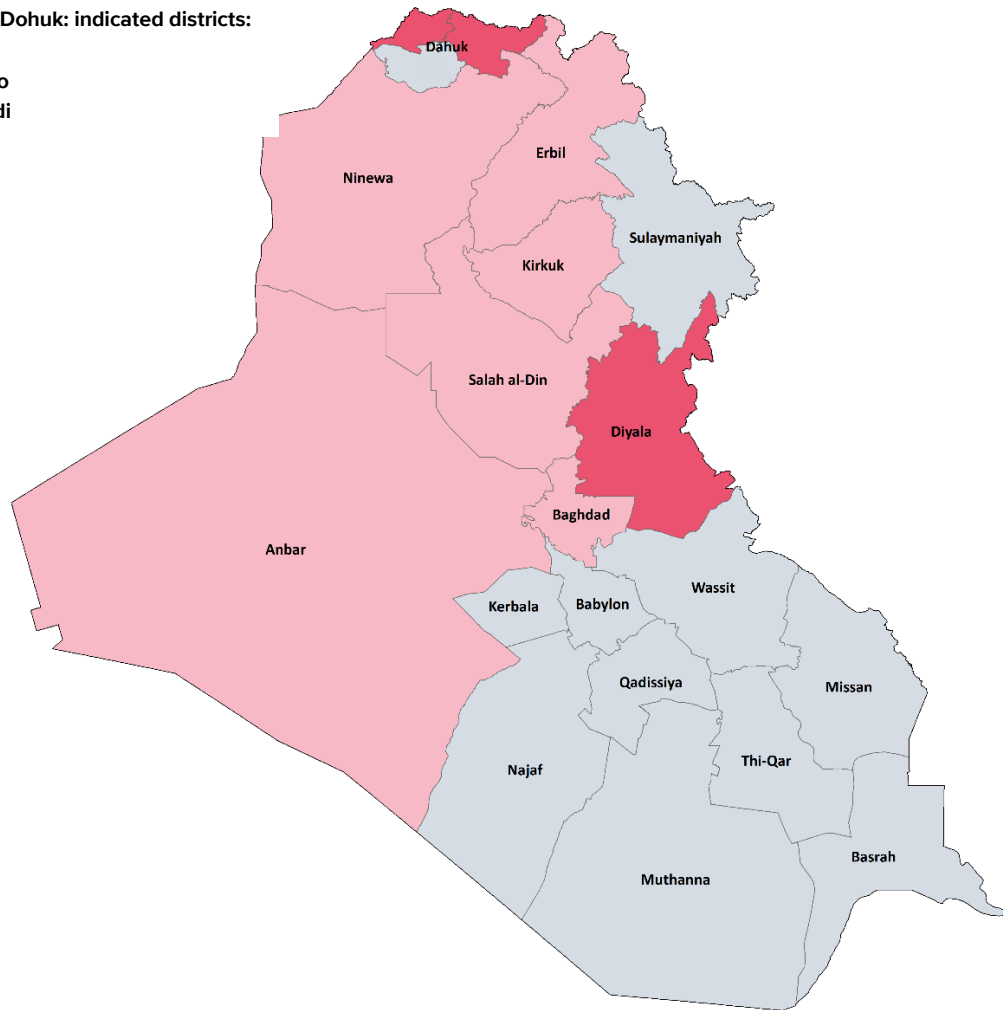
The map below summarises and illustrates the assessment of indiscriminate violence per governorate:



Figure 10. Level of indiscriminate violence in Iraq (based on information up to 31 October 2021).

Dahuk/Dohuk: indicated districts:

1. Zakho
2. Amedi



- Mere presence** would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD.
- Indiscriminate violence reaches a **high level** and a **lower level of individual elements** is required to establish a real risk of serious harm under Article 15(c) QD.
- Indiscriminate violence is taking place, however **not at a high level**, and a **higher level of individual elements** is required to establish a real risk of serious harm under Article 15(c) QD.
- In general, there is **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.



Assessment by governorate

Anbar

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.1]

General information

Anbar is the largest and one of the most sparsely populated governorates in Iraq. The governorate has seven districts: Ana, Fallujah, Haditha, Heet, al-Qaim, Ramadi and al-Rutba and borders with three countries, Syria, Jordan and Saudi Arabia. The capital of Anbar is Ramadi. The Iraqi CSO estimated the governorate's population for 2021 at 1 914 165. The governorate is predominately inhabited by Sunni Arabs and has a strong tribal structure. Agriculture has been the main source of livelihood for the governorate's population.

Background of the conflict

In 2014 ISIL was able to control 80% of the governorate. In November 2017 the final victory over ISIL was declared by the Prime Minister, Haider al-Abadi. Despite its territorial defeat, ISIL resurged and regrouped in various parts of Iraq, including in desert areas of Anbar governorate. In 2018-2019 ISIL opted for a strategical shift and conducted more targeted asymmetrical attacks primarily aimed at members of the armed forces and *mukhtars*.

Tensions between Iran and the United States put pressure on the security situation in Anbar. The targeting of facilities of the US and coalition forces by the PMF led to retaliatory airstrike attacks on locations controlled by Kataib Hezbollah (KH). The killing of Qasem Suleiman and Abu Mehdi al-Muhandis in January 2020 spiked the number of attacks on US assets throughout the country, amongst them on the Ain al-Assad airbase in Anbar.

Actors: control and presence

ISIL maintained sleeper cells in Anbar and waged a low-level insurgency operating in small cohesive cells. The number of ISIL activities remained relatively low. ISF ability to stop illegal crossing of ISIL members reportedly remained limited. Different PMF factions were based in the governorate. Iran backed PMF like KH, Kataib el Imam Ali amongst others were present in the border area as well as Liwa al Tafuf, and Sunni tribal militias. The multitude of security actors led to security gaps that were exploited by ISIL.

The Iraqi forces launched several counter terrorism operations throughout 2020 and 2021, focusing on the border and desert areas with the aim of cutting of ISIL support lines and transport routes, reducing ISIL's mobility and ability to access urban centres, and tackling illegal border crossing of ISIL fighters and the smuggling of weapons.

On 26 February 2021 the US conducted airstrikes on KH's bases in Syria. This led to several retaliatory attacks on the Ain al-Assad airbase in the first half of 2021.



Nature of violence and examples of incidents

ISIL used Anbar primarily as a logistical hub, hosting fighters and securing supply routes. ISIL operated in small cohesive cells and relies on small arms, IEDs and mortars. It conducted hit and run attacks against civilians, PMF forces and local security forces. Attacks on the power grid were reported.

The PMF were accused of illicit activities (smuggling and extortion) in the border areas. They conducted rockets and drone attacks on US led bases and roadside IED attacks targeting convoys.

A civilian was killed after entering a trip wired house. A dozen PMF members were killed following a car bomb and 10 persons got injured after the explosion of a car bomb.

Incidents: data

In the reference period, ACLED reported a total of 128 security incidents (average of 2 security incidents per week) in Anbar of which 58 incidents were coded as incidents of remote violence/explosions, 55 as battles and 15 incidents as violence against civilians. UNAMI ⁽²⁷⁾ recorded 18 armed-conflict-related incidents, 9 taking place from 1st August to 31 December 2020 and 9 from 1st January until 31 October 2021 (average of less than 0.3 security incidents per week for the full reference period).

Geographical scope

Security incidents occurred in all districts of the governorate, with the largest overall number being recorded in the district of Al-Rutba.

Civilian casualties: data

In the reference period, UNAMI recorded a total of 47 civilian casualties (19 deaths and 28 injuries) in the aforementioned armed conflict-related incidents. More specifically, 14 casualties were reported from August to December 2020 and 33 casualties from 1st January until 31 October 2021. Compared to the official figures for the population in the governorate, this represents 2 civilian casualties per 100 000 inhabitants for the reference period.

Displacement

As of 26 October 2021, 35 312 of the total IDP population in Iraq originates from Anbar governorate. Anbar continued to have the second highest number of returnees, with a total of 1 541 466 returnees recorded since 2015.

Further impact on civilians

⁽²⁷⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



Anbar was the governorate worst affected in the fight between the ISF and ISIL, leading to significant infrastructural damage. Destruction of the infrastructure following ISIL's occupation, and outdated agriculture methods, has made it difficult for the sector to provide jobs. The government launched a major reconstruction campaign implementing 500 projects restoring facilities, water supply and hospitals, bridges and the Hadidtha oil refinery. This led to an improvement of job prospects for the civilians and stability in the governorate. In terms of the explosive risk level, stretches of roads in Anbar were assessed by iMMAP to be at 'primary risk'. Coercive measures undertaken by the authorities and security actors in Anbar to force displaced persons to leave IDP camps were reported.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Anbar**, however **not at a high level**. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Babil/Babylon

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.2]

General information

Babil governorate is located in the central part of Iraq, south of Baghdad governorate, and shares borders with Baghdad, Anbar, Kerbala, Najaf, Qadissiya, and Wassit governorates. The districts of Al-Musayab, Al-Mahaweel, Al-Hilla, and Al-Hashimiya constitute the governorate of Babil. Hilla city is its capital. The Iraqi CSO estimated the governorate's population for 2021 at 2 231 136, roughly evenly split between urban and rural residents. The majority of the population is Shia Arab, with a Sunni minority. Agriculture is the predominant sector of Babil governorate's economy. Babil is of strategic importance as it is situated along a main highway used by Shia pilgrims from northern and central Iraq into Karbala and Najaf.

Background of the conflict

In 2014, ISIL overran Jurf Al-Nasr town and declared an official province for its activities in northern Babil. However, in the autumn of the same year ISF and Shia militias launched an offensive against the ISIL stronghold and recaptured Jurf Al-Nasr. With ISIL losing this territory, local Sunnis, who were mostly from the Al-Janabi tribe, were expelled by Shia militias. Their homes were looted and destroyed, affecting 120 000 residents. Since then, the town is controlled by PMF and ISF.

In the years since, ISIL carried out a few large-scale attacks (notably in Hilla in 2016) and retained some influence in Jurf Al-Nasr and northern Babil. In 2019, a deadly attack in Karbala



was allegedly conducted by an ISIL cell from Jurf Al-Nasr. Sources reported in March 2021 that Shia militias controlling Jurf Al-Nasr blocked returns of civilians, IDPs included, denying entry even to Iraqi government officials.

The large-scale protests that erupted in Baghdad in early October 2019 affected Babil as well. At the end of the same month, armed guards in Hilla opened fire on protesters, killing 11 of them and injuring dozens of others.

Actors: control and presence

In January 2021, Iraq's Interior Minister confirmed that the police and other forces had already taken over control in Babil governorate from the army. The governorate is under the military responsibility of the Mid-Euphrates Operations Command (MEOC). ISF forces have been controlling checkpoints along the Baghdad–Babil highway, in collaboration with PMF and other forces.

The PMF, especially Iran-backed groups, maintain a heavy presence in the Baghdad Belts and the borderlands between Babil and Anbar governorates. In September 2021, the PMF Operations Commands announced that its forces had launched a large-scale operation to clear the Jurf Al-Nasr area of ISIL fighters. As of early 2021, the town of Jurf Al-Nasr remained under the control of Kata'ib Hezbollah (KH), an Iranian-backed Shia militia opposed to current Prime Minister Mustafa Kadhimi. Jurf Al-Nasr is of great importance for KH as a military hub for its operations. The group retained medical rehabilitation facilities for its fighters and extensive private prisons with more than 1 000 illegal detainees in the area.

Jurf Al-Nasr, with its extensive KH base, has been referred to as the prime target of ISIL attacks within the governorate. However, there have been several reports of ISIL cells being dismantled and/or members of the group being arrested in Babil's north in recent months. Overall, it has been reported that ISIL attacks in Babil have been rare in recent years in comparison with other parts of Iraq.

Nature of violence and examples of incidents

Attacks against logistical support convoys for the US-led International Coalition against ISIL were reported on the highway between Qadissiya and Babil governorates, on the international highway passing through Babil, on the Hilla highway, in the city of Hilla itself, and in the town of Jableh. Reportedly, these incidents have rarely resulted in casualties, although one attack along the Qadissiya–Babil highway in September 2020 killed a member of the Iraqi security forces and injured two others.

Jurf al-Nasr area remains the main target of ISIL threats and attacks in Babil. Attacks against PMF have taken the form of IED and car bombs. Several killings of PMF members as well as ISIL members in clashes were reported in Jufir A-Nusr in late 2020 and early 2021. The area also witnessed alleged ISIL attacks on electric power infrastructure in the same period.

In the context of the renewed protests against unemployment and corruption, violent clashes between protesters and security forces were reported in the city of Hilla in March and May 2021.



Moreover, tribal violence in the town of Iskandariya and unspecified acts of violence in the run-up to the October 2021 parliamentary elections were reported.

In autumn 2021, authorities announced that security forces had foiled an explosives attack on pilgrims heading to Karbala. IED attacks on supply convoys for the US-led International Coalition forces travelling through Babil reportedly often occurred, although rarely resulting in casualties.

Incidents: data

In the reference period, ACLED reported 64 security incidents in Babil (average of 1 security incident per week) of which 38 incidents were coded as remote violence/explosions, 15 as battles and 11 as violence against civilians. UNAMI ⁽²⁸⁾ recorded 2 armed-conflict-related incidents, 1 taking place from 1st August to 31 December 2020 and 1 from 1st January until 31 October 2021.

Geographical scope

The majority of the incidents took place in Al-Musayab district, especially in the Jurf al-Nasr.

Civilian casualties: data

In the reference period, UNAMI recorded a total of 2 civilian casualties (1 death and 1 injury) in the aforementioned armed conflict-related incidents. More specifically, one casualty was reported in 2020 and one casualty from 1st January until 31 October 2021.

Displacement

As of 30 September 2021, 16 938 IDPs were registered in Babil governorate, the vast majority of which concentrated in Al-Musayab district. IOM documented 43,460 IDPs originating from Babil and documented no returns to Babil.

Further impact on civilians

In 2021, ISIL reportedly launched attacks on the electric power infrastructure in the Jurf Al-Nasr area and at unspecified locations in Babil. As of end of 2020, around 290 701 square metres of Babil governorate's area were reported to be cluster munition-contaminated. As of the end of 2021, the area contaminated by explosive remnants of war in the governorate has been listed as 1 457 446 square metres.

In autumn 2021, authorities announced that security forces had foiled an explosives attack on pilgrims heading to Karbala. There have also been frequent reports of IED attacks on supply convoys for the US-led International Coalition forces travelling through Babil, although such incidents have reportedly rarely resulted in casualties.

⁽²⁸⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



Looking at the indicators, it can be concluded that in the governorate of **Babil**, there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Baghdad

Last updated: June 2022

[Main COI references: [Security 2022](#), 1.3.3, 2.3; [Targeting 2022](#), 3.1.1]

General information

Baghdad is situated in the Tigris valley in the centre of Iraq and is the smallest governorate in terms of surface area. Baghdad City, both the largest city in Iraq and the capital of the country, is a major economic hub and includes the heavily protected Green Zone which hosts Iraqi government buildings and foreign embassies, including the US embassy. Baghdad city is also the capital of the governorate.

The governorate is divided into a total of 14 districts. Baghdad City is made up of nine districts: Adhamiya, Karkh, Karrada, Khadhimiya, Mansour, Sadr City (Thawra 1 and 2), Al-Rashid, Rusafa and 9 Nissan ('new Baghdad') districts. The rest of Baghdad governorate comprises the districts of Al-Mada'in, Taji, Tarmiya, Mahmudiya, and Abu Ghraib. Baghdad governorate is by far the most populous in the country. The Iraqi CSO estimated the governorate's population for 2021 at 8 340 711, with the majority being Shia and Sunni Muslims. The estimated population in Baghdad city for 2021 was at 7 323 000 with the majority being Shia Muslims. Sunnis reside in 'a few small areas of the city' such as Mansour and Adhamiya, although mixed neighbourhoods also exist.

Background of the conflict

During ISIL's advance in Iraq, Baghdad governorate was the main target of attacks carried out by the group. The group established a firm presence across the northern, western, and southern Baghdad Belts. As ISIL forces were closing to the city of Baghdad in 2014, Shia militias mobilised in large numbers in support of the ISF. As these militias expanded their local power in 2014 and were granted a high level of autonomy, sectarian tensions reached a high level in the governorate.

While ISIL gradually lost territory across Iraq from 2015 onwards, it continued to launch attacks on targets in Baghdad governorate. In 2019 and 2020 ISIL's attacks in the capital decreased significantly and the group focused back on the rural areas of the governorate. However, more recently ISIL has advanced its presence from the Belts to hit Baghdad City and was even able to carry out three bombing attacks in the city. At the same time, it maintained its ability to operate in areas north of Baghdad City and it had active autonomous sleeper cells to conduct attacks in these areas.



Baghdad governorate has been in the centre of two of the most important security developments in Iraq's recent history: the US-Iran tension and the protest movement. Starting from 2019, the governorate witnessed a number of acts of 'tit-for-tat escalation' between the US and Iran-backed groups opposing the US presence. In 2020, prominent pro-Iranian militias, such as the Kata'ib Hezbollah (KH) militia group and other rogue elements, frequently carried out rocket and mortar attacks targeting the Green Zone and Baghdad International Airport.

In early October 2019, mass protests erupted in Baghdad as residents expressed their discontent with 'widespread corruption, unemployment and poor public services'. The protests were met with violence on the part of Iraqi security forces and other forces, such as (Iran-backed) militias and parts of the PMF, causing a high number of casualties.

In October 2021, following the results of the parliamentary elections in Iraq, many supporters of Shia parties protested in provinces throughout the country, including Baghdad, against the election results. Protests in Baghdad reportedly 'turned violent'.

Actors: control and presence

Units of the Iraqi Police and of the Iraqi Army operate in the governorate. As reported in July 2021 routine security in Baghdad City is controlled by the ISF on an everyday basis, in some cases with official or unofficial participation of groups affiliated with the PMF. The Iraqi Army coordinates checkpoints security in Baghdad City. Although improved security in recent years led to some of the checkpoints being removed, hundreds reportedly still exist.

Iran-backed PMF factions maintain 'substantial bases' in rural areas of the Baghdad Belts. Most of Baghdad City has been described as a zone where influence is mixed between ISF and PMF. PMF do not maintain a major visible military presence in Baghdad city. However, specific PMF militias have varied degrees of dominance within the city, based on neighbourhood and social class. PMF forces were reported to be operating in areas north and south of the capital, Abu Ghraib in the west and in the Baghdad City neighbourhoods of Shula (mostly those with Shia background).

ISIL fighters are distributed in overlapping 'geographical sectors' in several governorates, including Baghdad. The northern Baghdad Belts around the historic ISIL stronghold Tarmiya have been serving as a passageway for the group, connecting several of its geographic sectors.

Nature of violence and examples of incidents

ISIL continued to carry out attacks in the governorate, while the ISF pursued counter-terror operations in response. In 2021, the group continued to target civic and tribal leaders in the Baghdad Belts, and it also maintained small urban cells for the purpose of conducting high-profile attacks. ISIL hit Baghdad City with suicide bombings, claiming responsibility for a twin suicide attack at a market in Baghdad City's Tayaran Square in January 2021 with at least 31 civilian deaths and 110 injuries. In July 2021, the group claimed responsibility for another suicide bombing at a market in Sadr City (at least 36 people killed, 60 injured). Women and children were killed, and other children were injured following a rocket attack near Baghdad International Airport.



Baghdad governorate continued to be affected by IED attacks on convoys of trucks contracted to supply the US-led International Coalition against ISIL. Such attacks have mainly been claimed by the façade groups Qasem al-Jabbarin (linked to KH) and Ashab al-Kahf (linked to AAH). The reference period witnessed an escalation of activities of Iran-backed Shia militias against PM Kadhim. Iran-backed militias also carried out rocket attacks against Coalition assets in Baghdad such as the US Embassy and Baghdad International Airport. Shia militias also reportedly engaged in ‘social control efforts’ aimed at degrading ISF control in the city. Efforts by the ISF to counter Shia militias in Baghdad have reportedly been mostly unsuccessful.

Roadside bomb attacks carried out in Baghdad governorate against logistical supply convoys of the US-led International Coalition against ISIL and, in one instance, a diplomatic convoy, were reported.

Protests continued on a small scale into late 2020, with demonstrations staged at the end of November. Large demonstrations were held in several areas of Baghdad in late May 2021. Security forces (whose affiliation could not be ascertained) ‘fired live ammunition, tear gas canisters and used batons’ to disperse protesters, leaving two of them dead while 130 people sustained injuries, including members of the security forces.

Incidents: data

In the reference period, ACLED reported a total of 383 security incidents in Baghdad governorate (an average of 5.9 security incidents per week) of which 176 incidents were coded as explosions/remote violence, 104 as battles, and 103 as violence against civilians. UNAMI ⁽²⁹⁾ recorded 22 armed conflict-related incidents, 9 taking place from 1st August to 31 December 2020 and 13 from 1st January until 31 October 2021 (average of 0.3 security incidents per week for the full reference period).

Geographical scope

The majority of the incidents took place in Khadhimiya district. It should be noted that many of the incidents that actually took place in northern Baghdad belts were coded by ACLED as having taken place in the Khadhimiya district of Baghdad city.

Civilian casualties: data

In the reference period, UNAMI recorded a total of 335 civilian casualties (84 deaths and 251 injuries) in the aforementioned armed conflict-related incidents. More specifically, 24 casualties were reported in 2020 and 311 casualties from 1st January until 31 October 2021. Compared to the official figures for the population in the governorate, this represents 4 civilian casualties per 100 000 inhabitants for the full reference period.

⁽²⁹⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see [‘Indicators of indiscriminate violence, number of incidents’](#).



Displacement

In September 2021, 26 610 IDPs were registered in Baghdad governorate. 45 324 IDPs originating from Bagdad governorate were documented across the country with the vast majority being hosted in Sulaymaniyah (66 %) and Erbil (27 %) governorates. 91 902 returnees were recorded in Baghdad governorate, 90 % of whom from areas within the same governorate.

Further impact on civilians

It has been reported that an area of 3 511 square metres was contaminated by explosive remnants of war. In terms of the explosive risk level, stretches of roads in Baghdad governorate were assessed by iMMAP to be at 'primary risk'.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Baghdad**, however **not at a high level**. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Basrah

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.11]

General information

Basrah (Basra, Al-Basrah, Al-Basra) is Iraq's southeasternmost governorate and has internal borders with Muthanna, Thi-Qar (Dhi Qar) and Missan governorates. It is situated along the Shatt al-Arab waterway, which connects to the Persian Gulf. Basrah has international borders with Iran to the east and Kuwait to the south. It also borders Saudi-Arabia at the tripoint with Kuwait. The governorate is divided into seven districts: Abu Al-Khaseeb (Abu Khaseeb, Abi Khasib), Al-Midaina (Al-Mahoudiya, Al-Madina), Al-Qurna (Al-Qarna), Al-Zubair, Basrah, Fao (Al-Faw), and Shatt Al-Arab. The capital of the governorate is Basrah City.

The Iraqi CSO estimated the governorate's population for 2021 at 3 142 449 with around 2 552 000 in urban areas. Shia Arabs constitute the majority of the governorate's population, but there is also a significant Sunni minority. Other groups present are small Christian communities and Sabeen Mandeans. Additionally, the African Iraqi minority (Black Iraqis) also predominantly lives in Basrah.

Basrah governorate is considered to be of strategic and economic importance because it contains a significant proportion of Iraq's oil reserves, including the largest oilfield in Iraq, Rumaila. The port of Basrah and the port of Umm Qasr (Um Qasr) make the governorate a centre



for trade, transportation and storage. In spite of being considered Iraq's economic capital, Basrah's population suffers from poverty, high unemployment and lack of basic services.

Background of the conflict

Basrah governorate is marked by 'political, legal, bureaucratic and administrative crises' and suffers from a lack of political transparency, accountability and rampant corruption. These factors impede necessary developments, led to a deterioration of livelihoods, subsequently triggered protests and sparked tribal conflicts over access to employment in oil companies or compensation if oil is discovered on tribal lands. Increasing drug trafficking and smuggling in Basrah's ports as well as the worsening water crisis also account for sometimes fatal tribal conflicts. The government launched campaigns to seize unlicensed weaponry in areas characterised by armed tribal conflicts in an attempt to curb the outbreaks of tribal violence. A corrupt customs evasion cartel is reported to operate along Iraq's borders. Impunity of significant traffickers added to suspicions of PMF involvement in the drug trade. Some tribe members are also reportedly involved in drug trafficking and its combating, which in turn fuels tribal conflicts.

During the reference period, protests involving blocking of roads occurred and clashes broke out between security forces and protesters. Human rights organisations denounced the impunity in regard to attacks on and even killings of civil society members and protesters in Basrah. Following the killings, protests erupted again in the governorate.

Actors: control and presence

Sources referred to tight-knit relationships between Iraqi security forces, local tribes PMF and militias that have resulted in the formation of a 'more cohesive apparatus of repression' in Basrah than elsewhere in Iraq. The Basrah Operations Command of the Iraqi forces, responsible for ensuring security in the governorate, has not been able to assert command over the governorate due to lack of manpower. The Badr forces have a notable presence in the governorate and state security agencies do not have the power to interfere with PMF activities. A variety of Shia political parties as well as PMF networks are competing to secure their interests in the local oil economy. Different to the situation in Baghdad, in Basrah the various parties, including the PMF, are focusing less on controlling neighbourhoods and ministries rather than on acquiring assets. Political parties and PMF have distributed control to ports, oil fields, airport, factories, companies, electricity structures, border crossings and hospitals.

Nature of violence and examples of incidents

Violent tribal disputes remained a significant problem in Basrah governorate. The recurrent and intense wave of protests as well as the COVID-19-related health and economic crisis further exacerbated existing societal tensions. In Basrah, tribal disputes often featured the use of heavy weaponry and drones.

It has been reported that IED attacks targeted supply convoys or shipping stations of the International Coalition against ISIL in Basrah governorate. IED explosions targeting the property of an ISF officer and a law office in Basrah city were also reported.



Incidents: data

Between August 2020 and October 2021, ACLED reported 167 security incidents in Basrah (average of 2.6 security incidents per week) of which 65 were coded as battles, 58 as explosions/remote violence and 44 as violence against civilians. UNAMI ⁽³⁰⁾ recorded 14 armed conflict-related incidents, 2 taking place from 1st August to 31 December 2020 and 12 from 1st January until 31 October 2021 (average of 0.2 security incidents per week for the full reference period).

Geographical scope

The majority of the security incidents took place in Basrah district.

Civilian casualties: data

In the reference period, UNAMI recorded a total of 22 civilian casualties (6 deaths and 16 injuries) in the aforementioned armed conflict-related incidents. More specifically, 1 casualty was reported in 2020 and 21 casualties from 1st January until 31 October 2021. Compared to the official figures for the population in the governorate, this represents 1 civilian casualty per 100 000 inhabitants for the reference period.

Displacement

As of 30 September 2021, 5 616 IDPs were registered in Basrah governorate. No IDPs originating from Basrah were registered elsewhere in the country. According to IOM, no returns to Basrah governorate were documented.

Further impact on civilians

Basrah governorate, particularly Basrah district, is reportedly one of the most affected areas in regard to landmine and war remnant contamination in Iraq. By the end of 2020, 36 365 119 square metres of the governorate were reported to be cluster munition-contaminated and 842 950 454 square metres contaminated with anti-personnel mines. Nomadic communities were reportedly particularly at risk from cluster munition remnants.

Looking at the indicators, it can be concluded that in the governorate of **Basrah** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

⁽³⁰⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted on civilians (causing civilian casualties) and on the civilian nature of property and protected areas (such as, civilian houses, cropland, schools, health facilities and mosque), see ['Indicators of indiscriminate violence, number of incidents'](#).



Dahuk/Dohuk

Last updated: June 2022

[Main COI references: [Security 2022](#), 1.3.3, 2.8, 2.9, 2.9.2]

General information

Dohuk governorate is part of the KRI and is Iraq's northernmost governorate. It borders Ninewa and Erbil governorates and shares international borders with Turkey and Syria. According to the Dohuk General Directorate of Tourism, the governorate is divided into six territories 'managerially': Dohuk, Semeal, Zakho, Amedeye, Sheikhan, and Akri. Akre and Sheikhan districts are parts of Ninewa governorate but have been administered by the KRG since 1991. The security situation in Akre and Sheikhan districts is assessed under Ninewa governorate. The capital of the governorate is Dohuk. The Iraqi CSO estimated the governorate's population for 2021 at 1 396 480. The main ethnic group in Dohuk governorate are Kurds.

Background of the conflict

The overall stability in the KRI depends on the nature of the relationship between the Kurdistan Democratic Party (KDP), which controls Erbil and Dohuk and the Patriotic Union of Kurdistan (PUK), which controls Sulaymaniyah. The cooperation between both parties appears to be difficult.

Dohuk governorate was not affected by ISIL attacks in the 2014-2017 period. Since July 2015 Turkey renewed its military operations against the Kurdistan Worker's Party (PKK) inside Iraq. In 2019, the security situation in the northern border areas deteriorated due to conflict between Turkey and the Kurdistan Workers' Party (PKK). In 2020 Turkey advanced further in the KRI establishing new military bases and checkpoints. The northern border areas were heavily targeted by Turkish airstrikes and shelling leading to the evacuation of numerous villages in Zakho and Amedi districts. During the reference period the conflict became asymmetrical and aerial and affected in a higher degree the life of the civilians. On 10 February 2021, Turkey launched the operation 'Claw Eagle 2' consisting of airstrikes and of the deployment of Turkish troops, which led to clashes with the PKK. In April 2021 operation 'Claw Lightning' was launched by the Turkish army. The fighting intensified and numerous airstrikes and military offensives against PKK hideouts were conducted. Tensions between the PKK and the KRG were rising, leading to armed clashes. Recurrent protests and social unrest due to an economic crisis have been reported and led to the arrest of a number of activists by Kurdish authorities.

Actors: control and presence

Kurdistan Region Government is responsible for the internal security. KDP and/or PUK affiliated Peshmerga units aim to ensure the security of the KRI and are responsible to eliminate ISIL terrorist threats. The Peshmerga established new bases to curb PKK activity. The Zerevani, military police units operate under the Kurdish Interior Ministry. *Asayish* security forces (PUK or



KDP) are loyal to their respective parties and are involved in day-to-day security and administrative affairs.

The Iraqi government opposes the presence of PKK and of Turkish forces in the KRI and central Iraq. Iraqi border guards together with Peshmerga forces were deployed in Amedi, to maintain security in the area and to protect civilians.

PKK fighters presence is substantiated. They stationed primarily in the mountainous area in the KRI.

Turkish military forces have multiple military bases, military points and checkpoints in the KRI with the majority located in Dohuk governorate.

Turkish forces and PKK were involved in the majority of security incidents recorded by ACLED.

Nature of violence and examples of incidents

The conflict between Turkey and PKK was described by ACLED as increasingly aerial and asymmetrical. Turkey conducted numerous airstrikes, bombardments, warplane and drone attacks and launched ground offensives on alleged PKK fighters and their hideouts. Attacks of villages and bombings of their surroundings by Turkish forces were reported. PKK engaged in clashes with Turkey and KRG forces. Residents of more than 13 villages were reportedly forced to flee their village due to shelling between PKK and Turkish forces.

Some *Asayish* units and Peshmerga are said to act against the law including arbitrary arrests and to commit human right abuses such as torture and other inhumane treatment without being held accountable for it.

Incidents: data

Dohuk was the governorate with the highest number of security incidents. During the reference period, ACLED reported a total of 1702 security incidents (average of 26.1 security incidents per week) in the period from August 2020 and October 2021, of which 1314 were coded as remote violence/explosions, 380 as battles and 8 as violence against civilians. UNAMI ⁽³¹⁾ recorded 81 armed conflict-related incidents, 45 taking place from 1st August to 31 December 2020 and 36 from 1st January until 31 October 2021 (average of 1.2 security incidents per week for the full reference period).

Geographical scope

Security incidents mainly took place in the districts of Amedi and Zakho.

⁽³¹⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



Civilian casualties: data

In the reference period, UNAMI recorded a total of 32 civilian casualties (9 deaths and 23 injuries) in the aforementioned armed conflict related incidents. More specifically, 4 casualties were reported in 2020 and 28 casualties from 1st January until 31 October 2021. Compared to the official figures for the population in the governorate, this represents 2 civilian casualties per 100 000 inhabitants for the full reference period.

Displacement

As of 30 September 2021, 249 513 IDPs are registered in Dohuk, the second highest number among Iraq's governorates, the majority originating from Ninewa. No IDPs originating from Dohuk governorate in other parts of the country were reported during the reference period.

Further impact on civilians

Turkish military operations against the PKK caused important infrastructural damage to water project, the electricity grid and farms and lead to the burning down of agricultural land. Incidents related to road security occurred, five of which were incidents of explosions/remote violence, three were related to battles, and two to violence against civilians. The KRI including Dohuk was an area with high numbers of mines. As of the end of 2021, an area of 20 268 239 square metres was contaminated with mines specifically in Dohuk governorate.

Looking at the indicators, it can be concluded that 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD in the districts of **Amedi and Zakho**. However, indiscriminate violence reaches **a high level**, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Looking at the indicators, it can be concluded that in the rest of the governorate of **Dohuk** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Diyala

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.4]



General information

Diyala province is located in the central-eastern part of Iraq and has borders with Sulaymaniyah, Salah al-Din, Baghdad and Wassit provinces and an international border with Iran. The governorate is divided into six districts: Baquba, Baladrooz, Khalis, Khanaqin, Kifri and Muqdadiya. Baqubah city is the capital of the governorate. The districts in Diyala which are disputed by the KRG and the central government are Khanqin, Kifri and the subdistrict Mandali, situated in Baladrooz district. The Iraqi CSO estimated the governorate's population for 2021 at 1 768 920 inhabitants. Arabs, Kurds, and Turkmens make up the majority of the population although other ethnic religious group are present as well.

Background of the conflict

The governorate's proximity to Baghdad as well as to the Iranian border has made it a priority for the Iraqi government and the Iranian backed PMF to control the region.

Diyala is one of Iraq's governorates worst affected by the 2013-2014 ISIL invasion. Diyala was declared entirely freed of ISIL control in January 2015, after an occupation of approximately six months. During the counter-ISIL offensive Iranian backed PMF forcibly displaced thousands of Sunni Iraqi civilians from the province, killing hundreds. After ISIL's territorial defeat in 2017, many ISIL fighters rejoined forces with former allies in the directorate. ISIL retreated to rural areas. Although a large number of PMF are present in the governorate, Diyala has seen the highest concentration of ISIL attacks due to a lack of coordination between the different security actors present. Besides targeting the security forces, civilians were also killed or abducted by ISIL.

Actors: control and presence

Diyala remained the main focus of ISIL attacks. ISIL focusses its activity in rural and ungoverned areas. In December 2020, the PMF built a series of barriers and fortifications around rural towns in Khanaqin and Muqdadiya to counter ISIL's hit and run attacks.

ISIL fighters are most active in the northern area of Diyala because of security gaps and in the Makhmur, Makhul, Palkhana and Hamrin mountains due to the rough terrain. In the Hamrin mountains ISIL has built a permanent infrastructure consisting of hideouts, training camps, courts and a tunnel network as well as weapons stocks. ISIL is organized in small, mobile cells and wage a low – level insurgency. 31% of the 309 ISIL attacks reported during the last quarter of 2020 took place in Diyala.

The governorate falls under control of the Diyala Operations Command of the ISF but is outsized by different PMF that gained power in the governorate and is the dominant authority. PMF control border with Iran while it is generally the responsibility of border guards.

The TMF (Tribal Mobilisation Forces, Hashd al asha'iri) are intentionally organised as the smallest and weakest entities in the governorate in order to prevent them from posing a threat to Shia militias.



KRG security forces retreated from the district of Khanaqin and the subdistrict of Jalawla in October 2017. The KRG and the ISF conduct again joint operations in the area after the set-up of the Joint Coordination Centres in May 2021.

Nature of violence and examples of incidents

ISIL operates primarily in rural areas and relies mainly on IED's, setting up ambushes, sniping operations, assassinations, and small-arms fire targeting security forces, tribal and civic leaders and other symbols of governance and infrastructure like the power grid. ISIL's operations are financed through kidnappings, extortion, car-jackings and robberies. Kidnapping of truck drivers and mortar attacks on villages as well as burning homes and farms were reported. Civilians have been forced out and dozens of towns were emptied. Depopulating these areas further and 'essentially daring Iraqi and coalition forces to move in', ISIL awaited better conditions to emerge before attempting a full resurgence. The number of attacks decreased in the first months of 2021 and increased again, linked to the annual Ramadan offensive (spring of 2021) and the summer campaign on the power grid.

PMF regularly conduct counter-ISIL operations, drone surveillance, raids, clearing operations and man checkpoints, but also engage in extortion, detaining Sunnis on false charges and weapon smuggling from Iran. Furthermore, the PMF are accused of repeated forced displacements of Sunnis resulting in demographic change along the border with Iran. These evolutions steered up the sectarian tension and pushed Sunni Arabs to join or support ISIL. The presence of the PMF in the disputed territories lead to security gaps.

Incidents: data

Diyala is the Central Iraqi governorate with the highest number of security incidents. In the reference period ACLED reported a total of 497 security incidents (average of 7.6 security incidents per week) in Diyala of which 219 incidents were coded as battles, 185 as remote violence/explosions and 93 as violence against civilians. UNAMI ⁽³²⁾ recorded 66 armed-conflict-related incidents, 23 taking place from 1st August to 31 December 2020 and 43 from 1st January until 31 October 2021 (average of 1 security incident per week for the full reference period).

Geographical scope

The majority of the security incidents took place in Khanaqin district and Muqdadiya district.

Civilian casualties: data

In the reference period, UNAMI recorded a total of 173 civilian casualties (82 deaths and 91 injuries) in the aforementioned armed conflict-related incidents. More specifically, 61 casualties

⁽³²⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



were reported in 2020 and 112 casualties from 1st January until 31 October 2021. Compared to the official figures for the population in the governorate, this represents 10 civilian casualties per 100 000 inhabitants for the full reference period.

Displacement

As of September 2021, 43 963 IDPs were registered in Diyala, the majority of them were displaced within the governorate.

Diyala governorate registered 239 310 returnees, of which almost half returned to Khanqin district. In April 2021 IOM recorded a number of locations with no return in the same districts.

Further impact on civilians

Diyala suffered extensive infrastructural damage affecting the agricultural sector, schools, power sector, water resources assets, hygiene and health sector and housing damage due to the fight against ISIL. Muqtadiya, Khanqin and Khalis were most affected. In June 2021 reconstruction and rehabilitation of damaged houses in Khalis had been completed, while work is in progress in the districts of Muqdadaya and Khanqin. Even though the governorate is still highly contaminated with explosive devices and remnants of war, only limited action is undertaken to tackle the issue. In terms of the explosive risk level, stretches of roads in Diyala were assessed by iMMAP to be at 'primary risk'.

Looking at the indicators, it can be concluded that 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD in the governorate of **Diyala**. However, indiscriminate violence reaches **a high level**, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Erbil

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.9, 2.9.2]

General information

Erbil is part of the KRI. It is located in the north-eastern part of Iraq and has internal borders with Dohuk, Ninewa, Salah al-Din, Kirkuk and Sulaymaniyah governorates, and international borders with Turkey and the Islamic Republic of Iran. For UNOCHA, Erbil governorate is divided into the following districts: Erbil, Al-Zibar, Rawanduz, Shaqlawa, Koisinjaq (Koysinjaq), and Makhmur. However, some maps show a different district order: instead of districts Al-Zibar and Rawanduz, they show three districts called Mergasur (Mergasor, Mergesor), Soran and Choman, with



Mergasur taking up the area of Al-Zibar and parts of Rawanduz, and the remaining part of Rawanduz being split into the districts of Soran and Choman. Makhmur's administrative status remains officially undetermined, however the district has been administered by the Ninewa governorate since 1991. The Iraqi CSO estimated the governorate's population for 2021 at 2 003 963 with the majority being Kurds.

Background of the conflict

The overall stability in the KRI depends on the nature of the relationship between the Kurdistan Democratic Party (KDP), which controls Erbil and Dohuk and the Patriotic Union of Kurdistan (PUK), which controls Sulaymaniyah. The cooperation between both parties appears to be difficult.

The KRG is closely linked to Turkey concerning various economic matters and accepted Turkish operations against the PKK taking place in the KRI. Clashes between PKK and Turkey intensified since 2020. Turkey expanded its bases deeper in the KRI and the fighting between both parties intensified. Civilians evacuated their villages, suffered injuries and death. Farms, livestock and agricultural land got damages or were burned down. Especially the Rawanduz and Makhmur districts suffered from security related incidents.

The Democratic Party of Iranian Kurdistan (KDPI) declared war to Iran and has attacked Iranian and Turkish forces since 1979. The Party for Free Life in Kurdistan (PJAK) is PKK's Iranian wing and has its military wing in the Qandil mountain range. PJAK wages a low level insurgency against Iran, that retaliates. Clashes intensified during the recent years. KDPI bases were attacked by Iranian drones and artillery in 2021.

After the Kurdish independent referendum of 2017, the central government took control over the disputed territories, like the district of Makhmur. As a result of the withdrawal of Peshmerga forces, security gaps appeared that got exploited by ISIL. Coalition forces conducted in 2020 and in 2021 several operations against ISIL in the Qarachogh mountain, close to Makhmur.

Actors: control and presence

Peshmerga units (KDP or PUK affiliated) and Peshmerga brigades of the Ministry of Peshmerga Affairs (MoPA) are present. *Asayish* internal security services (KDP or PUK affiliated) and separate intelligence services (Zanyari (PUK) and Parastin (KDP)) can be found as well. They are loyal to their affiliated parties and involved in the day to day security and administrative affairs.

Turkish military forces are stationed in bases and military points across the KRI including in Erbil.

PKK is present in the areas bordering Sulaymaniyah and Iran. It has been reported that around 650 communities might live under PKK control throughout the KRI. PKK has approximately 5000 fighters stationed in the KRI and has its headquarters in Qandil mountains.

Iranian state forces undertook artillery and drone operations in the border area between Iran and Erbil.



Kurdish Iranian opposition groups, like PJAK and KDPI have bases in KRI that get from time to time shelled by Iranian forces.

ISIL considers the Qarachogh mountains, near Makhmur as a safe haven due to the security gaps in the region.

U.S. forces are stationed in Erbil, close to Erbil International Airport, where during the reference period they were repeatedly attacked by rockets and drone strikes purportedly carried out by Pro-Iranian PMF. Erbil airport got attacked several times, presumably by Iranian backed PMF, targeting the US coalition forces based there.

Nature of violence and examples of incidents

Asayish internal security services act with impunity regarding human right violations. Peshmerga and *Asayish* forces acted against the law and conducted arbitrary arrests. They are responsible for the fight against ISIL and are involved in maintaining the day-to-day security, such as the protests.

During the reference period, clashes between PKK and Turkey were reported in border regions between KRI and Turkey.

ISIL is reported to conduct kidnappings in Makhmur, threaten local villagers and target essential infrastructure albeit on a low scale. One incident of ISIL setting up a fake checkpoint in order to kidnap civilians and seize vehicles was reported.

Civilians were killed and wounded by different types of violence including an IED explosion, missiles targeting Erbil International airport, explosion of a roadside IED, and drone attacks. A fight over a plot in the context of a feud killed and injured 6 civilians in total.

Incidents: data

According to ACLED, Erbil governorate recorded the second highest number of security incidents in Iraq after Dohuk governorate during the reference period. ACLED reported a total of 664 security incidents (average of 10.2 security incidents per week) in the period from August 2020 and October 2021, of which 457 were coded as remote violence/explosions, 188 as battles and 19 as violence against civilians. UNAMI ⁽³³⁾ recorded 11 armed-conflict-related incidents, 5 taking place between 1st August and December 2020 and 6 from 1st January until 31 October 2021 (average of 0.2 security incidents per week for the full reference period).

Geographical scope

The majority of the security incidents occurred in the district of Rawanduz.

⁽³³⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



Civilian casualties: data

In the reference period, UNAMI recorded a total of 13 civilian casualties (1 deaths and 12 injuries) in the aforementioned armed conflict-related incidents. More specifically, 1 casualty was reported in 2020 and 12 casualties from 1st January until 31 October 2021. Compared to the official figures for the population in the governorate, this represents 1 civilian casualty per 100 000 inhabitants for the reference period.

Displacement

As of 30 September 2021, 231 638 IDPs were registered in Erbil. 1 749 IDPs from Erbil were registered in Kirkuk and Ninewa in August and September 2021. During the same period 60 432 IDPs returned to Erbil governorate.

Further impact on civilians

Turkish military operations against the PKK caused infrastructural damage and lead to the burning down of agricultural land. According to UNOCHA, humanitarian actors experienced low access constraints in most districts in Erbil, except for Makhmur where access constraints were reportedly high because of the presence of armed actors, checkpoints, high level of insecurity as well as other impediments. Incidents of road security occurred. For example, in August 2021, it was said that ISIL members set up a fake checkpoint on the Erbil-Makhmur road near the village of Kendal and used it to seize vehicles and kidnap civilians.

The KRI including Erbil is an area with high numbers of mines. As of the end of 2020 there were 335 confirmed hazardous areas (CHAs) in Erbil governorate, covering an area of approximately 48 million square metres.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Erbil**, however **not at a high level**. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Kerbala

Last updated: June 2022

[Main COI references: [Security 2022](#), 1.3.1, 2.12]

General information

Kerbala governorate is located in the central part of Iraq and borders Anbar, Najaf, and Babil governorates. It is divided into the following districts: Ain Al-Tamur, Al-Hindiya, Kerbala. The



provincial capital is Kerbala. The Iraqi CSO estimated the governorate's population for 2021 at 1 316 750 with around 880 400 people living in urban areas, with the majority being Shia Arabs. Kerbala is a holy city to Shia Muslims. Religious tourism is a major economic factor in Kerbala.

Background of the conflict

Kerbala city has become a hotspot for conflict caused by the presence of dozens of powerful Iranian-backed militias and the competition of armed groups and political interests. Insecurity in Kerbala was mostly linked to religious uprisings and protests of the Shia population against the Iraqi government. In summer 2018 and since October 2019, continuing anti-government protests claimed fatalities and casualties. Impunity for politically motivated crimes against pro-reform activists aroused public anger.

Actors: control and presence

Kerbala governorate is under the control of the ISF. The Iraqi military's Middle Euphrates Operations Command (MEOC) is operating in Karbala and chiefly responsible for ensuring the security of Shia pilgrims. As of December 2019, ISF in Kerbala also included the 9th Armoured Division, commandos brigade, emergency regiments as well as local and federal police. Local security forces included paramilitary groups, such as the Iranian-backed militia Kata'ib Hezbollah.

PMF operating in Karbala were reportedly the Shia militias Liwa' Ali Al-Akbar (Brigade 11) and the Al-Abbas Combat Division (Brigade 26). The MEOC, responsible for Karbala and the regions to the southwest, is largely composed of these two factions. Hashd Al-Marji'i or Hashd Al-Atabat are unofficial labels for PMF groups affiliated to the holy shrines of Karbala and Najaf. They are loyal to the religious leader Al-Sistani. In 2020, there also existed training camps for various factions (e.g. the Asa'ib Ahl Al-Haq, the Al-Abbas Combat Division and smaller factions) in Kerbala governorate.

In 2020 and 2021 intensified security efforts were made to ensure pilgrimage to Kerbala on the Shia commemorations of Ashura were not disrupted by violence. The plan to secure the road from ISIL activities involved the installation of checkpoints and ambushes as well as operation security patrols in cooperation with PMF.

Nature of violence and examples of incidents

The PMF reportedly repelled an attack by ISIL in May 2020 and shot down four drones that did not have official approval in September 2021. Clashes between the PMF and Kerbala police were also reported, leaving six people injured. Anti-government protests continued in 2020 and 2021. Violent clashes reportedly occurred between protesters and PMF and/or police in Kerbala city.

Explosive attacks on power supply lines and two transmission towers, an explosion of bomb from remnants, resulting in civilian casualties (1 death and 1 injured), and three bomb explosions that injured two police officers and one other person were recorded.



Incidents: data

In the reference period, ACLED recorded a total of 10 security incidents (average of 0.2 security incidents per week) in Kerbala of which 3 incidents were coded as battles, 3 as explosions/remote violence, and 4 as violence against civilians. UNAMI ⁽³⁴⁾ recorded no armed conflict-related incidents taking place from 1st August to 31 December 2020 and 1 taking place from 1st January to 31 October 2021.

Geographical scope

Almost all the security incidents were recorded in Kerbala district. Al-Hindiya was also affected.

Civilian casualties: data

In the reference period, UNAMI recorded 1 civilian casualties (1 death) in the aforementioned armed conflict-related incident taking place from 1st January until 31 October 2021.

Displacement

As of 30 September 2021, there were 11 358 IDPs registered in Kerbala governorate, the vast majority of whom originated from Ninewa (85 %). No IDPs originating from Karbala were registered in other parts of the country and no returns to Kerbala governorate were documented as of September 2021.

Further impact on civilians

In Kerbala governorate, all existing formal camps had been closed by the end of October 2020. Nearly half of the IDPs were unable to return to their areas of origin and lived precariously on the edges of towns in damaged or unsafe buildings without basic necessities. It was reported that Kerbala governorate was contaminated by explosive remnants of war and cluster munition.

Looking at the indicators, it can be concluded that in the governorate of **Kerbala** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Kirkuk (Tameem)

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.5]

⁽³⁴⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



General information

Kirkuk is a governorate in northern Iraq. It comprises four districts, namely Kirkuk, where Kirkuk city is located, Dibis, Hawija and Daquq. The Iraqi CSO estimated the governorate's population for 2021 at 1 726 409. Kirkuk has a diverse and mixed population with a variety of ethnic and religious groups. The predominant religious group in the governorate are Sunni Muslims. Abundant oil reserves make Kirkuk a governorate of strategic importance, but also a source of tensions and of a longstanding territorial dispute between the Iraqi central government and the KRG.

Background of the conflict

During its 2014 offensive, ISIL took control of Hawija district and controlled the countryside and rural areas of Kirkuk. Between 2015 and 2017 Peshmerga fighters and PMF joined forces and pushed ISIL out. Hawija and Daquq were liberated by ISF forces in October 2017.

In September 2017 an independence referendum was held by the KRG. This led to an offensive from the central Iraqi authorities against the Kurdish security forces. Peshmerga fighters got driven away and Kirkuk was placed back under central government control. An array of state and non state actors are present in the governorate leading to a sense of insecurity for the residents and to security gaps. The lack of coordination between these actors got exploited by ISIL. The Iraqi security forces conducted multiple operations against ISIL. In September 2021 the federal government and the KRG forces formed Joint Coordination Centres, of which one is set in Kirkuk to coordinate the operation against ISIL. US led coalition forces, supplied air support in the operations against ISIL.

During the Saddam Hussein era, Kurdish lands got confiscated by Arabs. Renewed land disputes between Arab and Kurdish communities occurred.

Actors: control and presence

ISIL has a presence in the Hamrin mountain range and in the Qarachogh mountain range bordering Makhmur district in the north. The triangle formed between the cities of Kirkuk, Baiji and Samara appears to be of specific importance.

The PMF arrived in Kirkuk in 2017. Pro-Iranian PMF pursued their own political and military goals, looking to establish themselves permanently in the governorate by recruiting fighters locally including local Shia Turkmens. Badr is the most powerful and works closely with ISF. Other PMF groups like AAH and KH are present next to some Tribal Mobilisation Forces. Recruitment into the different PMF follows ethno-sectarian lines and shifted the security balance to Turkmens and Arabs at the expense of Kurdish representation.

ISF's presence was reported near Qarachogh mountains and at checkpoints in Hawija district. ISF's activities were reported across the governorate, among which there were operations in Daquq district, Dibis district and south of Kirkuk city. The international coalition forces handed over the K1 airbase, west of Kirkuk, to the ISF.



Badr allows a presence of *Asayish* for intelligence gathering and security oversight in the Kurdish areas.

Nature of violence and examples of incidents

ISIL carried out asymmetrical attacks targeting civilians and security forces. ISIL's activities range from targeted attacks on military and police checkpoints, on local leaders and on infrastructure such as the power grid and oil installations. Incidents against civilians included attacks on villages and groups of civilians, killings, abductions and kidnapping for ransom, the latter having increased since the beginning of 2021. ISIL continued to threaten road security. It manifests itself mostly during spring and summer campaigns. ISIL was involved in 123 incidents between August 2020 and October 2021 causing 133 fatalities.

The PMF develop illicit activities in the area like smuggling, blackmailing of residents and intervene in the land disputes supporting Arab farmers over Kurdish residents.

US led coalition and ISF repeatedly launched operations and conducted airstrikes against ISIL.

Incidents: data

In the reference period, ACLED reported a total of 279 security incidents (average of 4.3 security incidents per week) in Kirkuk of which 137 incidents were coded as battles, 107 as remote violence/explosions and 35 as violence against civilians. UNAMI ⁽³⁵⁾ recorded 47 armed-conflict-related incidents, 19 taking place from 1st August 2020 to December 2020 and 28 from 1st January until 31 October 2021 (average of 0.7 security incidents per week for the full reference period).

Geographical scope

The majority of the incidents took place in Daquq district.

Civilian casualties: data

In the reference period, UNAMI recorded a total of 76 civilian casualties (20 deaths and 56 injuries) in the aforementioned armed conflict-related incidents. More specifically, 40 casualties were reported from August to December 2020, and 36 casualties were reported from 1st January until 31 October 2021. Compared to the official figures for the population in the governorate, this represents 4 civilian casualties per 100 000 inhabitants for the full reference period.

Displacement

⁽³⁵⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



As of September 2021, 90 582 IDPs were registered in Kirkuk. The majority of them, 58%, was displaced within the government followed by 22% from neighbouring governorate Salah al-Din. 23 134 IDPs originating from Kirkuk governorate are still displaced mostly in Erbil, Sulaymaniyah and Salah al-Din. As of September 2021, 350 886 returnees to Kirkuk governorate were reported.

Further impact on civilians

The governorate of Kirkuk is affected by mine contamination due to post-2003 internal conflict and ISIL occupation in 2014-2017, with the southern part labelled as highly contaminated. In terms of the explosive risk level, stretches of roads in Kirkuk were assessed by iMMAP to be at 'primary risk'.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Kirkuk**, however **not at a high level**. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Missan

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.13]

General information

Missan governorate is located in southeast Iraq and borders Wassit, Basrah and Dhi Qar governorates, and Iran to the east. The governorate is divided into six districts: Ali Al-Gharbi, Al-Mejar Al-Kabir, Al-Maimouna, Al-Kahla, Amarah and Qal'at Saleh. The capital is Amarah. The Iraqi CSO estimated the governorate's population for 2021 at 1 202 175, with the vast majority being Shia Arabs. Missan was once known as an agricultural and industrial centre. However, deteriorating environmental conditions caused people to abandon agriculture and engage in daily wage labour, leading to displacement and sparking conflicts between tribes over livelihoods and resources.

Background of the conflict

Since 2008, Missan has been a relatively calm governorate and was not among the regions taken by ISIL in 2014. Tribal affiliations played into inter-Shia fighting, frequently resulting in armed confrontations, such as between the Sadrist group Saraya Al-Salam and members of Asa'ib Ahl Al-Haq in the context of the nationwide protests in October 2019. Clashes also involved Shia militias confronting coalition and security forces. Tribal disputes were another reason for violent clashes and killings in Missan.



Protests that erupted in October 2019 with Amarah as the main arena within Missan continued in the governorate in 2020 and 2021. Protests in June and July 2021 resulted in confrontation between protesters and security forces.

Actors: control and presence

Missan governorate is under the control of ISF. The ISF units in Missan consisted of the Sumer Operations Command (SuOC) that replaced the Al-Rafidain Operations Command (ROC), the Command Brigade, emergency regiments, local police, and a Federal Police brigade. The army forces handed over the security file in Missan to the police command.

Presence of PMF was also reported. The Ansar Allah Al-Awfiya controls important government offices and businesses. The armed group is a component of the PMF faction Asa'ib Ahl Al-Haq. Both are reportedly loyal to Iran. In addition, smaller armed factions (e.g. Ansar Al-Aqeedah, Harakat Al Nujaba, Sayyid Al-Shuhada) were present in Missan. The nominal PMF director of intelligence in Basrah is allegedly playing an important role in hosting and training foreign fighters, running what is believed to be the largest Iran-backed training site in Kumayt in Missan governorate.

Nature of violence and examples of incidents

Deadly clashes between drug dealing gangs and security forces have reportedly occurred on transportation routes as well as in urban settings in the context of smuggling and drug dealing in Missan. Repeated deadly clashes between tribal factions also occurred. In addition, tribal elements have retaliated against Iran-backed groups in Missan and other regions.

Incidents: data

In the reference period, ACLED reported a total of 85 security incidents (average of 1.3 security incidents per week) in Missan of which 39 incidents were coded as violence against civilians, 36 as battles and 10 as remote violence/explosions. UNAMI ⁽³⁶⁾ recorded no armed conflict-related incidents from 1st August to 31 December 2020 and 4 armed-conflict-related incidents from 1st January until 31 October 2021 (average of 0.1 security incidents for the full reference period).

Geographical scope

While all Missan's districts were affected by security incidents, The majority of them were recorded in Al-Kahla district.

Civilian casualties: data

⁽³⁶⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



In the reference period, UNAMI recorded 7 casualties (5 death and 2 injured) in the aforementioned armed conflict related incidents. More specifically, they all occurred from 1st January until 31 October 2021. Compared to the official figures for the population in the governorate, this represents 1 civilian casualty per 100 000 inhabitants for the reference period.

Displacement

As of 30 September 2021, 1 974 IDPs were registered in Missan. The IDP population is largely concentrated in the district of Amarah (81 %). No IDPs originating from Missan were registered in other parts of the country and no returns to Missan were documented.

Further impact on civilians

UNDP reported in February 2018 that infrastructures were mostly functioning in all of Missan's districts. However, road damages reportedly concerned all districts and, particularly, Amarah. In Amarah, schools, youth centres, fire stations and markets were also damaged or malfunctioning.

On 2 January 2021, an alleged leftover landmine from the Iraq-Iran war period exploded in Missan's Al-Tayeb area near the border with Iran, killing two civilians and injuring one other. At the end of 2020, a total of 795 825 square metres were still contaminated by cluster munition in Missan.

Looking at the indicators, it can be concluded that in the governorate of **Missan** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Muthanna

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.14]

General information

Muthanna (Al-Muthanna) governorate is located in south-western Iraq and has borders with Najaf, Qadissiya, Thi-Qar and Basrah governorates and an international border with Saudi-Arabia. It is the country's second largest governorate and mostly comprised of desert and dry land. The governorate is divided into four districts: Al-Samawa (Samawa, Samawah), Al-Khidhir, Al-Rumaitha and Al-Salman. The capital of the governorate is Al-Samawa in the governorate's north.

The Iraqi CSO estimated the governorate's population for 2021 at 879 874 with around 471 000 people living in rural areas. The majority of Muthanna's inhabitants are Shia Arabs, while an



estimated 2 % of the governorate's population is Sunni Muslim. Muthanna's desert areas are inhabited by Bedouins who engage in pastoralist subsistence.

Chronic underdevelopment, water scarcity and poor quality of the governorate's water networks, which largely depends on agriculture, have pushed almost half of Muthanna's population below the national poverty line.

Background of the conflict

After the reign of Saddam Hussein, Muthanna became a 'hotbed' for Shia groups and militias. Having been spared the onslaught of ISIL's 2014 offensive, Muthanna governorate was assessed as one of the safest provinces of Iraq. Since 2015, protests spurred by economic opportunity and the lack of service provision as well as the killing of protesters and activists erupted repeatedly in Muthanna. Causes of tribal conflict in Muthanna were control of land, oil revenues and water scarcity. The government launched campaigns to seize unlicensed weaponry in areas characterised by armed tribal conflicts in an attempt to curb the outbreaks of tribal violence. In 2020 and 2021 plans for economic cooperation between Iraq and the neighbouring Saudi Arabia were torpedoed by pro-Iran groups, who accused the Iraqi government of 'normalization with Iraq's eternal enemy'. Widespread corruption, mismanagement and the poor level of services spurred protests in 2020 and 2021.

Actors: control and presence

All eight southern governorates should be considered areas of shared control between the Iraqi army or police, and the PMF. Since May 2020, the Iraqi security forces' headquarters responsible for exercising operational control in the governorate has been restaffed. The Badr organisation influences PMF in the governorate and provides the administrative head of the PMF in Muthanna.

Nature of violence and examples of incidents

In the reference period roadside bombs targeted International Coalition convoys in Muthanna governorate. A roadside IED exploded near a checkpoint injuring 2 civilians. Clashes between tribal groups in Muthanna were reported in April 2021.

In the framework of the protest that took place in several governorates in Iraq, instances of clashes between protesters and ISF as well as violent demonstrations following the parliamentary elections have been documented in Muthanna.

Incidents: data

In the reference period, ACLED recorded 26 security incidents (an average of 0.4 security incidents per week) in Muthanna of which 14 incidents were coded as explosions/remote



violence, 9 as battles and 3 as violence against civilians. UNAMI ⁽³⁷⁾ recorded 5 armed-conflict-related incidents, the five of them taking place from 1st January until 31 October 2021 (average of 0.1 security incidents per week for the full reference period).

Geographical scope

The majority of the security incidents took place in Al-Samawa district, followed by Al-Rumaitha district.

Civilian casualties: data

In the reference period, UNAMI recorded a total of 9 civilian casualties (5 deaths and 4 injuries) in the aforementioned armed conflict-related incidents. More specifically, all the 9 casualties were reported from 1st January until 31 October 2021. Compared to the official figures for the population in the governorate, this represents 1 civilian casualty per 100 000 inhabitants for the full reference period.

Displacement

As of 30 September 2021, 900 IDPs were registered in Muthanna. No IDPs originating from Muthanna were registered elsewhere in the country. As of September 2021, no returns to Muthanna governorate were documented.

Further impact on civilians

As of August 2020, the area contaminated by explosive remnants of war (ERW) in the governorate was listed as 10 481 185 square metres. Nomadic communities were reportedly particularly at risk from cluster munition remnants.

Looking at the indicators, it can be concluded that in the governorate of **Muthanna** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

⁽³⁷⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



Najaf

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.15]

General information

Najaf governorate is located in the southwestern part of Iraq. It borders the governorates of Anbar, Babil, Qadisiya and Muthanna governorates, and shares an international border with Saudi Arabia to the south. The governorate is divided into three districts: Al-Najaf, Al-Kufah and Al-Manathera. The capital of the governorate is Najaf City. The Iraqi CSO estimated the governorate's population for 2021 at 1 589 961, with the majority being Shia Arab.

Background of the conflict

Following the 2003 invasion, Najaf became a stronghold for the influential Shia cleric Muqtada Al-Sadr and the Jaysh Al-Mahdi (JAM) militia, which he founded in 2003 to fight the US-led coalition forces. JAM was disbanded in 2008, however, a small armed branch, the Promised Day Brigade, remained active. In 2014, Muqtada Al-Sadr formed another militia group, Saraya Al-Salam (Peace Brigades or Peace Companies), to fight the advance of ISIL, but also to protect Shia shrines and religious sites. The group was involved in fatal clashes with protesters in February 2020, where 23 protesters were killed and 182 injured when members of the militia group attacked a protest camp. While at first both the religious authority of Najaf and Muqtada Al-Sadr supported the demands of the protest movement, the latter withdrew his support in January 2020. According to some reports this decision was connected to the nomination of Mohammed Allawi as new prime minister, others attributed it to internal power-struggles.

Anti-government protests in Najaf were reported in 2020 and 2021. In some cases, protesters set up roadblocks or blocked roads with burning tires. Several people were injured during protests against the local government. Moreover, activists reported of attacks and threats by militias.

Actors: control and presence

In February 2020, Iraqi Armed Forces handed over to the police forces of Najaf all security duties for the governorate. As of March 2021, ISF in Najaf governorate included the Middle Euphrates Operation Command (MEOC), commandos brigade and emergency regiments as well as local and federal police.

Presence of PMF was also reported. In September 2021, four militia groups associated with Grand Ayatollah Ali Al-Sistani and the religious authority (Marja'iyah) of Najaf, announced the formation of an armed unit, the Holy Shrine Unit (Hashd Al-Atabat), separate from the PMF organisation and under the Iraqi army.

In February 2020, there were reports on attempts by ISIL to establish a presence in the region.



Nature of violence and examples of incidents

Between August 2020 and July 2021, at least three IED attacks and three attacks with grenades by unidentified perpetrators on civilians were reported. Other attacks in the reference period included a bomb attack on a language school and assaults with Molotov cocktails on a party office and on the house of a former affiliate of Muqtada Al-Sadr.

Antigovernmental protests were recorded in Najaf during the reference period. A party office was set on fire during protests in reaction to the killing of activist Ihab Al-Wazni in neighbouring Karbala governorate.

Incidents: data

In the reference period, ACLED reported a total of 21 security incidents (average of 0.3 security incidents per week) in Najaf of which 10 incidents were coded as explosions/remote violence, 7 as incidents of violence against civilians and 4 as battles. UNAMI ⁽³⁸⁾ recorded no armed-conflict-related incidents in the period from 1 August to 31 December 2020 and 1 armed conflict related incident in the period from 1 January to 31 October 2021.

Geographical scope

While the three Najaf districts were affected by security incidents, the majority of them were recorded in Al-Najaf district.

Civilian casualties: data

In the reference period, UNAMI recorded a total of 4 civilian casualties (1 deaths and 3 injured) in the aforementioned armed conflict-related incident. More specifically, they all occurred from 1st January until 31 October 2021.

Displacement

As of 30 September 2021, Najaf governorate hosted a total number of 9 078 IDPs, the vast majority of them originating from Ninewa (99 %). The majority of the IDPs had come to the governorate in the period June to August 2014. 97 % of IDPs in Najaf governorate were Shia and Sunni Turkmens. No IDPs from Najaf governorate were documented in other parts of the country and no returns to Najaf governorate were recorded.

Further impact on civilians

As of August 2020, the area contaminated by ERW in the governorate was listed at 663 032 square meters. At least three people died in accidents involving war remnants in 2021.

⁽³⁸⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



Looking at the indicators, it can be concluded that in the governorate of **Najaf** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Ninewa

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.6]

General information

The governorate of Ninewa (or Nineveh) is located in north and northwest Iraq. It borders Syria and the governorates of Dohuk, Erbil, Salah al-Din and Anbar. The governorate is divided into nine districts: Mosul (also capital city), Tel Kayf, Sheikhan, Akre, Tal Afar, Sinjar, Ba'aj, al-Hatra, and Hamdaniya. Akre and northern Sheikhan districts have been administered by the KRG since 1991. The Iraqi CSO estimated the governorate's population for 2021 at 4 030 006 inhabitants. Ninewa is one of the most ethnically diverse governorates of Iraq. Sunni Arabs make the majority, but other groups also share power and influence. Ninewa's economy is based on agriculture.

Background of the conflict

In June 2014 ISIL seized control over Mosul which led to a massive displacement in the governorate of more than one million individuals. ISIL reigned by strict rule and targeted and killed those who didn't comply. The Yezidi of Sinjar suffered high casualties during the ISIL campaign in 2014. The battle to liberate Mosul started in October 2016, lasted nine months and caused a massive destruction to the city. In 2017 ISIL was declared territorially defeated by Prime Minister Haider el Abadi. ISIL waged since then a low-level guerrilla war. As reaction to the rising number of attacks carried out by ISIL, military campaigns were carried out putting pressure on ISIL and resulting in the arrests of prominent leaders. The number of attacks declined in the second half of 2020, picking up again during the summer offensive in 2021, but numbers remained relatively low.

In the October 2020 agreement focusing on the stabilisation of Sinjar, it is stipulated that all armed factions should be removed from the governorate, placing the security sector under Iraqi federal government. The agreement didn't get implemented. In 2020 Turkey launched military operations targeting PKK and their Yezidi allies in Northern Iraq. In 2021 the attacks spilled over to Sinjar, Qandil and Harkuk region. Due to the increased Turkish military activity in Sinjar, the PMF deployed more forces to the region and threatened Turkey. Nevertheless, Turkey resumed its operation in 2021.

Actors: control and presence



ISIL uses Ninewa as a logistical hub. It exploits situations with a low security presence. ISIL therefore relies on remote bases in desert areas to house fighters and establish command centres for training and logistical purposes like the desert area of Ba'aj and Hatra as well as Makhmur district. ISIL maintains sleeper cell and is subjected to extensive counter terrorism operations.

The governorate is under supervision of the Ninewa Operation Command. The ISF performed multiple counter terrorism operations against ISIL throughout the governorate including in the Makhmur region, the border area with Syria. Local police is in charge of maintaining security inside the district, while federal police and border guards are deployed on the outskirts.

After the expulsion of ISIL in 2015 different armed groups and regional players moved in resulting in a multitude of local and regional actors including the Kurdish region, the federal government, KDP, PKK (including the Sinjar Resistance Units YBS, the Yezidi branch of PKK) and the PMF. 46 different PMF groups operate throughout the governorate. The Sunni PMF man checkpoints to identify persons but lack proper intelligence data and the tribal PMF are affected to ISIL active areas, resulting in a high number of casualties among them. PMF are active in the border areas with Syria to prevent infiltration of ISIL in conjunction with the ISF, but they exploit their position to conduct illicit activities as well.

The PKK have a presence in Sinjar since 2014 to assist the Yezidi in driving out ISIL. PKK established secure locations and built tunnels in the Sinjar district. Since 2019, PKK affiliated groups including the YBS joined the PMF.

Nature of violence and examples of incidents

ISIL aimed to undermine state security and therefore targeted members of the security forces, civilians as well as local leaders and local sheikhs relying primarily on Improvised Explosive Devices (IED) and small arms fire. Most attacks in Ninewa were aimed to keep civilians and security forces away from ISIL's area of operations. Attacks on the power grid counted for a significant part of the security incidents related to ISIL in 2021.

The Iranian backed PMF including KH, AAH, Badr organisation set up offices that engaged in activities including posing taxes on different sectors. Civilians who did not comply were subject to extortion, threats or attacks. Misconduct and harassment of the PMF were reported. Iraqi forces, the Counter Terrorism Services (CTS) as well as coalition forces were denied access to the PMF area of control. The attacks on the Erbil airport are reported to be conducted by the PMF from the Ninewa plains. PKK is involved in abduction and forcible recruitment of youth under the age of 18 of both sexes, unlawful arrests and of detaining them in secret prisons. Turkey's actions involve fly and search missions of PKK militants, the use of drones and targeting presumed PKK militants.

Incidents: data

In the reference period, ACLED reported a total of 281 security incidents (average of 4.3 security incidents per week) in Ninewa of which 204 incidents were coded as remote



violence/explosions, 445 as battles and 33 as violence against civilians. UNAMI ⁽³⁹⁾ recorded 51 armed-conflict-related incidents, 15 taking place from 1st August to 31 December 2020 and 36 from 1st January until 31 October 2021 (average of 0.8 security incidents per week for the full reference period).

Geographical scope

The majority of the security incidents took place in Mosul district.

Civilian casualties: data

In the reference period, UNAMI recorded a total of 103 civilian casualties (27 deaths and 76 injuries) in the aforementioned armed conflict-related incidents. More specifically, 36 casualties were reported in 2020 and 67 casualties from 1st January until 31 October 2021. Compared to the official figures for the population in the governorate, this represents 3 civilian casualties per 100 000 inhabitants for the full reference period.

Displacement

As of September 2021, 256 034 IDPs were registered in Ninewa, the majority of them were displaced within the governorate. The highest number of IDPs in the country originate from Ninewa. With 1 922 496 returnees, Ninewa had the highest number of returnees reported as of September 2021.

Further impact on civilians

Post ISIL farming was hampered by landmines, security concerns and smuggling activities. The governorate invested in the sector and made progression in its rehabilitation. Drought and water crises in 2021 posed challenges to agricultural and fishing activities and power production pushing farmers to the urban areas. The industrial sector was recovering after ISIL occupation.

In terms of the explosive risk level, stretches of roads in Ninewa were assessed by iMMAP to be at 'primary risk'. The Mosul Sinjar road stands out with recurrent high risk stretches during the reference period.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Ninewa**, however **not at a high level**. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

⁽³⁹⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



Qadissiya

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.16]

General information

Qadissiya governorate is located in southern-central Iraq and borders Babil, Wassit, Dhi Qar, Muthanna and Najaf governorates. The governorate is divided into the following districts: Diwaniya, Afak, Al-Shamiya and al Al-Hamza. The capital city of the governorate is Diwaniya. The Iraqi CSO estimated the governorate's population for 2021 at 1 394 885, with the majority being Shia Arabs.

The governorate's economy is largely agricultural. It has been reported that Qadissiya had the largest number of locations affected by water shortage.

Background of the conflict

Assessments of the security situation from 2015 rated Qadissiya governorate as 'relatively peaceful' and southern Iraq overall as 'more secure', when comparing the area to other parts of the country. However, violence between Shia armed factions and tribal conflicts had been reported in the past. Between October 2019 and March 2021, demonstrations demanding reforms and economic and social rights took place in the governorate.

Actors: control and presence

Qadissiya governorate is under the control of ISF. As of December 2019, units of the ISF – the Middle Euphrates Operation Command (MEOC), a commando brigade, emergency regiments, local police and a brigade of the federal police – were active in Qadissiya governorate. On 8 January 2021, the withdrawal of Iraqi Army forces from Qadissiya was announced. Internal security control has already been handed over from the ministry of defence to the interior ministry in Qadissiya governorate.

Presence of PMF and other groups such as Ashab al-Kahf and Qasim Al-Jabarin was also reported.

Nature of violence and examples of incidents

Qadissiya governorate was affected by IED attacks on convoys supporting the International Coalition against ISIL. Security forces or contractors were sometimes injured or killed in these attacks and in some instances damage of vehicles was reported. Between 14 August 2020 and 9 September 2021, EPIC mentions 28 such attacks in the governorate and three attacks at unspecified locations on highways between Qadissiya and neighbouring governorates. Regarding some of the attacks targeting convoys between March and September 2021, Ashab Al-Kahf claimed responsibility. In 2019 and 2020, mass protests took place in Iraq's southern



governorates that were reportedly harshly suppressed by state security forces and paramilitary groups on numerous occasions.

In addition, clashes between tribal militias were also reported, and clashes between tribes sometimes occurred on grounds of minor disputes.

Incidents: data

In the reference period, ACLED reported a total of 36 security incidents (average of 0.6 security incidents per week) in Qadissiya of which 21 incidents were coded as explosions/remote violence, 9 as violence against civilians and 6 as battles. UNAMI ⁽⁴⁰⁾ recorded no armed conflict-related incidents in the reference period.

Geographical scope

While all Qadissya's districts were affected by security incidents, the majority of them was recorded in Diwnaiya district.

Civilian casualties: data

UNAMI recorded no casualties in the reference period.

Displacement

As of 30 September 2021, Qadissiya had 3 516 IDPs. No IDPs originating from Qadissiya were registered in other part of the country. Qadissiya was not listed among the governorates with a presence of returnees.

Further impact on civilians

Qadissiya is reportedly contaminated with cluster munition remnants and with ERW. As of August 2020, the area contaminated with ERW in the governorate was listed as 57 665 073 square metres. As of the end of the year 2020, the area contaminated by cluster munition remnants was 3 137 824 square meters.

Looking at the indicators, it can be concluded that in the governorate of **Qadissiya** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

⁽⁴⁰⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



Salah al-Din

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.7]

General information

Salah al-Din is situated in central Iraq. It is divided into nine districts: al-Dour, al-Shirqat, Balad, Baiji, Fares, Samarra, Thethar, Tuz (disputed territory), and Tikrit. The Iraqi CSO estimated the governorate's population for 2021 at 1 723 546 inhabitants. The population of the governorate is one of the most rural in Iraq. Salah al-Din governorate is predominantly inhabited by Sunni Arabs. The capital of the governorate, Tikrit city, is Saddam Hussein's place of birth and has been viewed as an important power centre of the Sunni Arabs. Salah al-Din hosts refineries of strategic importance.

Background of the conflict

ISIL forces captured parts of Salah al-Din governorate in the summer of 2014. Salah al-Din governorate was among the first to be liberated as part of the Iraqi forces' led offensive against ISIL in 2015. Salah al-Din was also one of the first governorates to witness large-scale return of IDPs. After the ousting of ISIL, large scale human rights violations were conducted by the PMF and non-state local actors. The PMF kept a presence and activity in Salah al-Din and is seeking to further a range of economic and political objectives. Although the final victory over ISIL was declared in 2017, ISIL still held a presence, waged a low-level insurgency, and exploited security gaps to gain strength and regroup. The ISF launched several major counter-terrorism operations involving different security actors including ISF, PMF and federal police.

Actors: control and presence

Due to its location linking the governorate to Anbar and further Syria, Salah al-Din is of strategic interest for ISIL and appeared to be a major target during ISIL's 2021 summer offensive. ISIL was reported to be present in several parts of the governorate.

The ISF share responsibility over the security in many areas with the PMF or other tribal forces. They conducted several anti-terror operations against ISIL. PMF presence can be divided in two categories: first, PMF tribal groups in areas with no strategic importance and second Iranian backed PMF and Saraya al Salaam in areas of religious, strategic, security and economic importance such as the shrine in Samarra, Baiji oil refineries etc.

Nature of violence and examples of incidents

ISIL continued to carry out asymmetrical attacks. Insurgent tactics like the use of IED and hit and run attacks against checkpoint targeting the members of the ISF and PMF were reported. Attacks that caused civilian deaths also occurred. IED attacks targeting international coalition supply convoys often occurred. Based on ACLED data, ISIL was responsible for a third of the security incidents.



Anti-ISIL military operations of various scales conducted by ISF units were reported throughout Salah Al-Din governorate.

The PMU were accountable for coercion and violence against locals with apparent impunity. Looting, robbery, abductions, revenge killings, smuggling, diverting oil to Iran, the confiscation of land and even the smuggling of goods towards ISIL fighters were reported. PMU have 'placed entire cities and rural zones under their direct control', where they influence displacement and return dynamics. The continued presence of the PMF resulted in a tense atmosphere and attacks with local communities causing civilian deaths.

Incidents: data

In the reference period, ACLED reported a total of 284 security incidents (average of 4.4 security incidents per week) in Salah al-Din of which 131 incidents were coded as remote violence/explosions, 125 as battles and 28 as violence against civilians. UNAMI ⁽⁴¹⁾ recorded 31 armed conflict-related incidents, 8 taking place from 1st August to 31 December 2020 and 23 from 1st January until 31 October 2021 (average of 0.5 security incidents per week for the full reference period).

Geographical scope

The majority of the security incidents took place in Balad district, followed by Samarra.

Civilian casualties: data

In the reference period, UNAMI recorded a total of 107 civilian casualties (52 deaths and 54 injuries) in the aforementioned armed conflict-related incidents. More specifically, 34 casualties were reported from August to December 2020 and 73 casualties from 1st January until 31 October 2021. Compared to the official figures for the population in the governorate, this represents 6 civilian casualties per 100 000 inhabitants for the full reference period.

Displacement

As of September 2021, 58 578 IDPs were registered in Salah al-Din, the majority of them were displaced within the government. 86 616 IDPs from Salah al-Din are registered in other parts of the country. Salah al-Din governorate registered 731 820 returnees.

Further impact on civilians

Salah al-Din is one of the governorates with particularly high scores of infrastructural damage as a result of conflict, especially in relation to damage to housing, to the agricultural sector, and to the water, sanitation and hygiene sector. Although reconstruction of schools, houses and public

⁽⁴¹⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



infrastructure occurred in Salah al-Din, there are still extensive reconstruction needs. ISIL continues to threaten road security with IEDs and hit and run attacks on checkpoints. In terms of the explosive risk level, stretches of roads in Salah al-Din were assessed by iMMAP to be at 'primary risk'. Explosive ordnance contamination is also reported to pose an obstacle for safe returns of IDPs as well as to the implementation of humanitarian activities in Salah al-Din.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the governorate of **Salah al-Din**, however **not at a high level**. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Sulaymaniyah incl. Halabja

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.9.2, 2.10]

General information

Sulaymaniyah governorate is part of the KRI and is located in the northeastern part of Iraq. It borders Erbil, Kirkuk, Salah al-Din and Diyala, and shares an international border with the Islamic Republic of Iran to the east. Sulaymaniyah governorate is divided into the following districts: Chamchamal, Darbandihkan, Dokan, Halabja, Kalar, Penjwin, Pshdar, Rania, Sharbazher, and Sulaymaniyah. The Government of Iraq still considers Halabja part of Sulaymaniyah governorate. The Garmiyah region is a disputed territory between Iraqi and Kurdish forces. The capital of the governorate is Sulaymaniyah city. The Iraqi CSO estimated the governorate's population for 2021 at 2 336 191 of which 1 979 000 live in urban areas. The main ethnic group in the governorate are Kurds.

Background of the conflict

The overall stability in the KRI depends on the nature of the relationship between the Kurdistan Democratic Party (KDP), which controls Erbil and Dohuk and the Patriotic Union of Kurdistan (PUK), which controls Sulaymaniyah. The cooperation between both parties appears to be difficult.

The PKK fled Turkey and arrived in Iraq in 1980. The KRG is closely linked to Turkey concerning various economic matters and accepted Turkish operations against the PKK taking place in the KRI. Sulaymaniyah's security situation is relatively stable since 2003. The conflict between PKK and Turkey affected the eastern mountain range where several military operations were conducted. In October 2021 PUK called for an immediate halt of border transgression by Turkish forces. As of December 2020, Kurdish opposition parties got shelled by Iran's Revolutionary Guard Corps (IRGC) on several occasions. The KRG is confronted with an economic crisis, which



led to widespread protests in the KRI as well as in Sulaymaniyah, some of which escalated and resulted in injuries and deaths.

Actors: control and presence

Peshmerga units (KDP or PUK linked) and Peshmerga brigades of the Ministry of Peshmerga Affairs (MoPA) are present. *Asayish* internal security services (KDP or PUK linked) and separate intelligence services (Zanyari (PUK) and Parastin (KDP)) can be found. They are loyal to their affiliated parties and involved in the day to day security and administrative affairs. The militarised police forces, Zerevani, were present as well.

The ISF and the Peshmerga forces established joint units in the fight against ISIL in the disputed territories between the KRI and the Iraqi government.

Turkish military forces carried out several attacks in the governorate, in several districts.

PKK is present in the areas bordering Erbil and Iran. It has been reported that around 650 communities might live under PKK control throughout the KRI. PKK has approximately 5000 fighters stationed in the KRI and has its headquarters in the Qandil mountains.

Iran deployed forces to Sulaymaniyah governorate border and trespassed the border on multiple occasions.

The PJAK, an Iranian Kurdish armed group opposed to Iran, is reportedly based in the Qandil mountain, not too far from the Iranian border.

Nature of violence and examples of incidents

Peshmerga and *Asayish* forces are responsible for and are involved in the day-to-day security, such as the controlling of the protests. Both acted against the law and conducted arbitrary arrests. *Asayish* internal security services have impunity regarding human right violations. They conducted security operations in the fight against ISIL.

During the reference period, 40 explosions were recorded, of which more than the half were related to Turkish airstrikes. A smaller part of the recorded explosions was related to attacks of unidentified armed groups, unidentified explosive devices and explosive remnants of war.

Turkish military forces carried out several attacks in the governorate, occasionally causing civilian casualties and material damage, including the destruction of farms or causing fires.

Shelling of KRI's mountains by the Islamic Revolutionary Guard Corps (IRGC) that targeted Kurdish opposition parties were reported in the governorate.

Incidents: data



In the reference period, ACLED reported a total of 68 security incidents (average of 1 security incident per week) in Sulaymaniyah of which 40 were coded as remote violence/explosions, 17 as violence against civilians and 11 as battles. UNAMI ⁽⁴²⁾ recorded 3 armed conflict-related incidents, 2 taking place from 1st August to 31 December 2020 and 1 from 1st January until 31 October 2021.

Geographical scope

All the districts of Sulaymaniyah are affected by security incidents, the majority of which, occurred in the district Pshdar and Sulaymaniyah.

Civilian casualties: data

UNAMI recorded no casualties in the reference period.

Displacement

As of 30 September 2021, 140 237 IDPs are registered in Sulaymaniyah governorate. No IDPs originating from Sulaymaniyah governorate were registered in other parts of the country and no returns to Sulaymaniyah were recorded.

Further impact on civilians

Turkish military operations caused material damage, such as the destruction of homes, farms and agricultural land. The KRI including Sulaymaniyah has a high mine infection rate.

Looking at the indicators, it can be concluded that in the governorate of **Sulaymaniyah** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Thi-Qar/Dhi Qar

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.17]

⁽⁴²⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



General information

Thi-Qar (Dhi-Qar) governorate borders Wassit to the north, Missan to the east, Basrah to the east and south, and Muthanna and Qadissiya to the west. The governorate is divided into five districts: Al-Jubayish (Al-Chibayish), Al-Nasiriya (Nassriyah), Al-Shatra, Suq Al-Shuyukh (Suq Al-Shoyokh), and Al-Rifa'i. The capital of the governorate is Nasiriya.

The Iraqi CSO estimated the governorate's population for 2021 at 2 263 695 with around 1 453 000 people living in urban areas. The majority of Thi-Qar's inhabitants are Shia Arabs, while there is also a Sunni Arab minority and small communities of Christians and Sabeen Mandeans. The southern marshlands of the governorate are inhabited by Marsh Arabs.

Thi-Qar governorate is 'one of the most underdeveloped areas of Iraq', with infrastructure that has suffered from many years of underinvestment. The governorate mostly depends on the agricultural, although this sector is declining due to environmental degradation, climate change, high salinity and contamination of water. Thi-Qar is home to the Garraf and the Nasiriya oil fields, but in a 'distinctly smaller than that of Basra' scale.

Background of the conflict

Thi-Qar did not become occupied by ISIL. The security void that opened in the southern governorates when the security forces were redeployed in 2014 to fight ISIL insurgency in central and northern Iraq left the southern region open to tribal clashes. When the October 2019 mass anti-government protests that began in Baghdad spread to the southern governorates, Thi-Qar became the 'second capital' of the protest movement, although the 'protests decreased in frequency and size following the outbreak of the coronavirus pandemic in 2020.'

Actors: control and presence

All eight southern governorates should be considered areas of shared control between the Iraqi army or police, and the PMF. The PMF commander in Thi-Qar is aligned to the Badr militia.

Nature of violence and examples of incidents

During the reference period, protests evolving into riots were reported, so as clashes with police, targeting, killing and wounding of activists and protesters. There were several instances of protesters blocking highways and bridges. Tribal clashes and several IED attacks by Iran-backed militias on convoys supporting the International Coalition against ISIL were also reported.

Incidents: data

In the reference period, ACLED recorded 176 security incidents (an average of 2.7 security incidents per week) in Thi-Qar of which 82 incidents were coded as explosions/remote violence,



50 as battles and 44 cases as violence against civilians. UNAMI ⁽⁴³⁾ recorded 4 armed-conflict-related incidents, the four of them taking place from 1st January until 31 October 2021 (average of 0.1 security incidents per week for the full reference period).

Geographical scope

The majority of the security incidents took place in Al-Nasiriya district.

Civilian casualties: data

In the reference period, UNAMI recorded a total of 7 civilian casualties (4 deaths and 3 injuries) in the aforementioned armed conflict-related incidents. More specifically, the seven casualties were reported from 1st January until 31 October 2021.

Displacement

As of 31 July 2021, 3 222 IDPs were registered in Thi-Qar governorate. No IDPs originating from Thi-Qar were registered elsewhere in the country. As of September 2021, no returns to Thi-Qar governorate were documented.

Further impact on civilians

As of August 2020, the contaminated area with explosive remnants of war (ERW) in the governorate was listed at 57 717 714 square meters. One civilian was killed by the explosion of an ERW during the reference period.

Looking at the indicators, it can be concluded that in the governorate of **Thi-Qar** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Wassit

Last updated: June 2022

[Main COI references: [Security 2022](#), 2.18]

General information

⁽⁴³⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



Wassit shares an international border with Iran in the east. It borders Diyala and Baghdad governorates to the north, Babil and Qadissiya to the west, and Dhi Qar, and Missan governorates to the south. The governorate is divided into the following districts: Azezia, Badra, Hai, Kut, Na'maniya, Suwaira. The capital is Kut. The Iraqi CSO estimated the governorate's population for 2021 at 1 489 631, with the majority being Shia Arabs. Most of the governorate's residents depend on agriculture. The Wassit Thermal Power Plant, securing approximately 20 % of Iraq's national power grid, is also located in the governorate.

Background of the conflict

Wassit faced heavy fighting during the US-led invasion in 2003. In 2004, Sadrist leader Muqtada Al-Sadr started a revolt against the coalition forces and the Iraqi government, and his Mahdi army managed to take control in several southern cities, including Kut. Unlike many other parts of Iraq, the governorate did not become occupied by ISIL in 2014, however it experienced bomb attacks by Sunni insurgents targeting Shia civilians in recent years.

Between October 2019 and March 2021, demonstrations demanding reforms and economic and social rights were held in the governorate.

Actors: control and presence

In February 2020, responsibility for security in Wassit was handed over to the local police. Previously the Rafidain Operations Command of the Iraqi army was overseeing security in the governorate.

The southern governorates are considered areas of shared control between the Iraqi army or police, and the PMF.

Nature of violence and examples of incidents

In the reference period protesters, activists, and civilians were attacked, including by riot police, resulting in casualties. Clashes between tribes were also reported, sometimes on grounds of minor disputes.

Other examples of security incidents include a bomb explosion in a market in the city of Kut, in which no injuries were reported, and the explosion of a landmine, in which one person was injured.

Incidents: data

In the reference period, ACLED reported a total of 11 security incidents (average of 0.2 security incidents per week) in Wassit of which 7 incidents were coded as violence against civilians, 3 as



explosion/remote violence and 1 as battle. UNAMI ⁽⁴⁴⁾ recorded no armed conflict-related incidents in the reference period.

Geographical scope

The majority of security incidents were recorded in the district of Kut.

Civilian casualties: data

UNAMI recorded no casualties in the reference period.

Displacement

As of 30 September 2021, Wassit hosted a total number of 4 512 IDPs, mainly originating from Ninewa. No IDPs from Wassit governorate were documented in other parts of the country and no returns were recorded in the governorate.

Further impact on civilians

Wassit is reportedly contaminated with cluster munition remnants, with ERW, and with landmines. As of the end of the year 2020, the area contaminated by cluster munition remnants in Wassit was 299 143 square metres. As of August 2020, the contaminated area with ERW in the governorate was listed at 75 257 641 square metres and the area contaminated with landmines at 39 583 178 square metres.

Looking at the indicators, it can be concluded that in the governorate of **Wassit** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

⁽⁴⁴⁾ UNAMI data focuses on armed conflict-related incidents, which have directly impacted civilians (causing civilian casualties) and the civilian nature of property and protected areas (such as civilian houses, cropland, schools, health facilities and mosques), see '[Indicators of indiscriminate violence, number of incidents](#)'.



3.3.4. Serious and individual threat

Last updated: June 2022

In situations where the level of indiscriminate violence does not exceptionally reach what is referred to as the ‘mere presence’ threshold, the assessment should continue with an analysis of the individual circumstances of the applicant.



[...] the more the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstances, the lower the level of indiscriminate violence required for him to be eligible for subsidiary protection.

CJEU, *Elgafaji*, para.39

Certain personal circumstances could contribute to an enhanced risk of indiscriminate violence, including its direct and indirect consequences.

≠ refugee status	It is important to differentiate these individual elements from the individual elements which would result in the deliberate targeting of the applicant, whether as an individual or as a part of a group defined by one of the grounds under the refugee definition.
≠ IPA	The assessment should also be distinguished from that under internal protection alternative, with regard to the reasonableness for the applicant to settle in a different location than their home area.

In the context of the ‘sliding scale’, each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant’s case. It is not feasible to provide exhaustive guidance what the relevant personal circumstances could be and how those should be assessed.

The text below provides some indications concerning the relevant considerations and the nature of the assessment.

Indiscriminate violence, examples of relevant personal circumstances

- **Age:** When assessing the risk of indiscriminate violence, this personal circumstance would be of particular importance in relation to the ability of the person to assess the risks. For example, children may not be able to assess the risk associated with contamination with unexploded remnants of war. Children may also not be in a position to quickly assess a changing situation and avoid the risks it entails. In some cases, elderly age may also impact the person’s ability to assess and avoid risks associated with an armed conflict.



- **Gender:** When assessing the applicability of [Article 15\(c\) QD](#), it is difficult to ascertain whether and in what circumstances men or women would be at a higher risk in general. It would also depend on other factors, such as the nature of the violence in the area. For example, men may be at higher risk of violence targeting local markets, banks, governmental institutions, as men are the ones more frequently being outside the home and visiting such locations. On the other hand, general gender norms in Iraq suggest that women may have less information regarding the current security situation and the associated risks. Moreover, if the violence moves closer to the residence of people, e.g. in the case of airstrikes or ground engagements in populated areas, women may have a more limited ability to avoid it.
- **Health condition and disabilities, including mental health issues:** Serious illnesses and disabilities may result in restricted mobility for a person, making it difficult for them to avoid immediate risks and, in the case of mental illnesses, it can make them less capable of assessing risks. In other cases, such conditions may require frequent visits to a healthcare facility. The latter may have different implications related to the assessment of the risk under [Article 15\(c\) QD](#). Taking into account road security, this may increase the risk of indiscriminate violence as the person would be required to travel. It may also increase the risk when health facilities themselves are reported to be targeted. Moreover, if healthcare facilities are damaged and closed because of fighting, such an applicant may be at a higher risk due to the indirect effects of the indiscriminate violence as they would not be able to access the health care they need.
- **Economic situation:** Applicants in a particularly dire economic situation may also be less able to avoid the risks associated with indiscriminate violence. They may be forced to expose themselves to risks such as working in areas which are affected by violence in order to meet their basic needs. They may also have less resources to avoid an imminent threat by relocating to a different area.
- **Knowledge of the area:** when assessing the risk of indiscriminate violence under Article 15(c) QD, the relevant knowledge of the area concerns the patterns of violence it is affected by, the existence of areas contaminated by landmines, etc. Different elements may contribute to a person's knowledge of the area. It can relate to their own experience in the area or in areas similarly affected by indiscriminate violence. For example, being born or having lived for many years outside the country can impact the applicant's ability to assess the risks in the area.
- **Occupation and/or place of residence:** The occupation and/or place of residence the person is likely to have when they return to their home area may also be relevant to assess the risk under [Article 15\(c\) QD](#). It may, for example, be linked to the need for the applicant to travel through areas where road incidents are often reported, or to frequent locations known to be particularly targeted in the conflict.
- **Family members or support network:** the lack of family members or support network could affect the applicant's economic situation and place of residence/occupation and





may also prevent them from being informed on risks relevant to the indiscriminate violence in a situation of an armed conflict.

Individual elements related to the above can exist in combination. Other factors may also be relevant.

It is not feasible to provide general guidance on which individual circumstances would be sufficient to substantiate a real risk under [Article 15\(c\) QD](#) in areas with high level of violence compared to areas where the violence is considered to not be at a high level. Each case should be assessed individually.





3.3.5. Qualification of the harm as a ‘threat to (a civilian’s) life or person’

Last updated: January 2021

Neither the QD, nor the CJEU in its jurisprudence, have defined the terms ‘threat to (a civilian’s) life or person’.

The CJEU has held that [Article 15\(c\) QD](#) has an additional scope to [Article 3 ECHR](#) and, therefore, has to be interpreted independently, but with due regard to fundamental rights as they are guaranteed under the ECHR ⁽⁴⁵⁾.

By comparing the provisions of [Article 15\(a\)](#) and [Article 15\(b\) QD](#), which indicate a particular type of harm, with the provision of [Article 15\(c\) QD](#), the CJEU further concludes that the harm under the latter:



[...] covers a more general risk of harm. Reference is made, more generally, to a ‘threat ... to a civilian’s life or person’ rather than to specific acts of violence. Furthermore, that threat is inherent in a general situation of ‘international or internal armed conflict’

CJEU, *Elgafaji*, paras. 33-34

Some of the commonly reported types of harm to civilians’ life or person in Iraq include killings, injuries, abductions, retaliatory violence by the armed forces, forced displacements, forced recruitment of minors, explosive remnants of war, etc.

⁽⁴⁵⁾ CJEU, *Elgafaji*, para. 28.



3.3.6. Nexus/‘by reason of’

Last updated: January 2021

Subsidiary protection under [Article 15\(c\) QD](#) is granted to any person in respect of whom substantial grounds have been shown for believing that he or she, if returned, would face a real risk of a serious and individual threat to his or her life or person **by reason of** indiscriminate violence.

The nexus ‘by reason of’ refers to the causal link between the indiscriminate violence and the harm (serious threat to a civilian’s life or person).

The interpretation of the causation ‘by reason of’ may not be limited to harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict. To a certain extent, it may also include the indirect effect of indiscriminate violence in situations of armed conflict. As long as there is a demonstrable link to the indiscriminate violence, such elements may be taken into account in the assessments, for example: destruction of the necessary means to survive, destruction of infrastructure.



4. Actors of protection

[Article 7 QD](#) stipulates the requirements for actors of protection:

1. Protection against persecution or serious harm can only be provided by:

a) The State; or

b) Parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State;

provided they are willing and able to offer protection in accordance with paragraph 2.

2. Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned under points (a) and (b) of paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to such protection.



The contents of this chapter include:

- [The State](#): outlining and analysing the capacity of the Iraqi State and of the Kurdistan Regional Government (KRG) to provide protection in accordance with Article 7 QD;
- [Parties or organisations, including international organisations](#): analysing whether other parties or organisations could qualify as actors of protection under Article 7 QD.



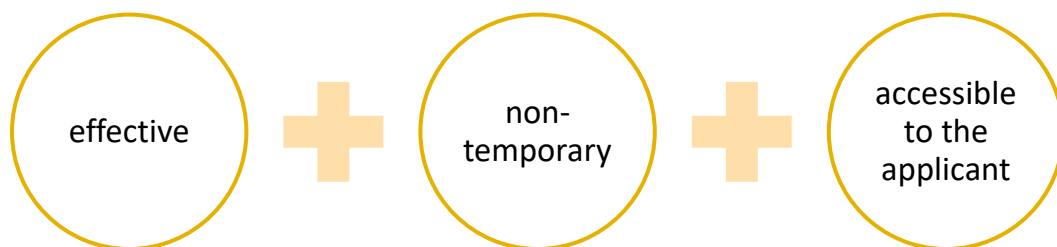
4.1. The State

The term **'State'** ([Article 7\(1\)\(a\) QD](#)) encompasses any organ exercising legislative, executive, judicial or any other functions and acting at any level, be it central, federal, regional, provincial or local. Sometimes, private entities may also be given State powers and made responsible for providing protection under the control of the State.

In order to qualify as an actor of protection, the State has to be **able and willing** to protect persons under its jurisdiction.

The protection in the country of origin has to meet three cumulative conditions. It has to be:

Figure 11. Requirements to the protection in the country of origin in accordance with Article 7 QD.



It should also be kept in mind that effective protection is presumed not to be available where the State or agents of the State are the actors of persecution or serious harm ([Recital 27 QD](#)).

The availability of protection is addressed separately for the Iraqi State and the KRG.

4.1.1. Iraqi State

Last updated: January 2021

[\[Actors of protection, 3, 4.1, 5.1, 5.2.2, 5.3.1, 6.3, 6.6\]](#)

The Republic of Iraq is a constitutional, federal, parliamentary republic. The executive branch is composed of the Presidency Council (president and maximum of three vice-presidents) and the Council of Ministers (the prime-minister, three deputy prime-ministers, and 30 ministers).

Legislative power is exercised by the elected parliamentary Council of Representatives (Iraq's 329-seat Parliament) and the Federation Council.

The judiciary is made up of the Federal Supreme Court, Court of Cassation, Public Prosecution Department, Judicial Oversight Committee, and federal courts and the Higher Judicial Council, which oversees the federal court system. Under the Constitution of Iraq, the judiciary is independent and no power is above the judiciary except the law.



The Iraqi Constitution provides guarantees for fundamental rights, rule of law, equal treatment before the law, equal participation, and judicial independence, and prohibits discrimination on various grounds.

The UN describes the criminal justice system in Iraq as weak. Sources state that courts lack resources and have limited forensic capabilities; and that lack of remuneration, security, technical, and human resources hindered the judiciary from carrying out its duties. The judiciary is described as understaffed. The lack of resources in the judiciary has reportedly caused lengthy delays before and during trials. The system is currently predominantly dealing with ISIL cases.

The Iraqi judiciary is described as having restricted independence and impartiality, with a weak and dependent nature, due to the unstable security situation and historical political conflict. According to sources, the Iraqi judiciary is susceptible to corruption, bribery and political interference, and pressure from religious and tribal forces. Court decisions are reportedly influenced by political and sectarian identity. Abuses by paramilitary groups have gone on with impunity and without being addressed by the judicial system.

Iraqi often avoid the civil and criminal courts and instead rely on tribal and religious dispute settlement of private issues, even those involving major crimes. This is largely due to lack of access to justice, lack of trust in the judiciary or because of lower social status and lack of financial resources for some parts of the population. Some citizens turned to religious and militia groups instead of the official system, mainly in poor areas of the south and west.

The ISF maintain a significant presence in most major urban centres to limit terrorist, insurgent, and militia activity. Despite merging forces under the ISF to fight against ISIL, inter-institutional rivalry and competition cause tension in the relationship between the ISF, PMF, Peshmerga, Sunni PMF and local tribal forces. The deployment of southern Iraqi security and law enforcement forces in the fight against ISIL has resulted in security voids in areas such as Basrah, where a significant rise in robbery, murder, drug trafficking and kidnapping was reported in 2017-2018.

Ministry of Interior forces were reported to have an authorised strength of 531 000 in 2013, across the Iraqi police service, Iraqi federal police, border enforcement, facilities protection police and the oil police. Due to 'ghost soldiering' actual figures of police personnel have been difficult to estimate.

The Iraqi federal police are focused more on counterterrorism than on ordinary policing, and are organised into military-style units. Particularly in recent years of fighting ISIL, they have transformed themselves into a paramilitary force rather than focusing on law enforcement. Sources report its membership to be between 37 000 – 44 000.

Police and military units in Baghdad are described as having the ability to respond to security incidents, terrorist attacks and criminal activities, although response and capabilities of the responding authorities vary considerably. In some areas, police perform well, while in others the



police are not efficient in responding to crime. Iraqi police and law enforcement officials reportedly lack resources, training, and forensic capacity to gather impartial and reliable evidence of sufficient standard to identify alleged perpetrators, warrant charges, or secure convictions before the courts.

In 2014, Prime Minister al-Abadi launched anti-corruption efforts in the security sector, leading to the dismissal of a number of senior army and police commanders as well as 50 000 ‘ghost soldiers’ and police. However, corruption is reportedly a persistent problem in the police forces, occurring at many levels, and involving bribes to reduce or drop criminal charges.

Organised crime continues to be a significant problem. Individuals, militias, and criminal groups have been involved in abductions and kidnappings for extortion or political purposes.

The Constitution prohibits all forms of violence and abuse in the family. However, the national draft ‘Family Protection Law’, which provides protections for gender and sexual-based violence, has not been passed and remains unimplemented. Spousal rape is not criminalised in Iraq. Domestic violence or honour killings are seldom punished in Iraq and cases of sexual violence are rarely reported to the police. Perpetrators frequently go unpunished, as they are able to escape punishment through bribery. According to COI sources, Iraqi police lack sufficient capacity to respond to violence against women and children via its 16 Family and Child Protection Units. These units have improved women’s access to justice, but are limited to provincial capitals and major cities and lack suitable facilities and female personnel. Furthermore, police were reportedly not willing to meaningfully investigate killings of women and girls for honour during 2017, despite an increase in violence against women.

The disputed territories of Iraq are located in parts of Erbil, within KRI, and across parts of Kirkuk, Diyala, Salah al-Din, and Ninewa governorates. These areas have been the subject of contested control between the KRG and the Iraqi central government when Kurds took control of these areas lying outside the KRI border, after the fall of Saddam Hussein. The question of their control was addressed in Article 140 of the 2005 Constitution, but this has never been resolved.

In 2014, in the context of the war with ISIL, the Peshmerga moved into some areas of the disputed territories and took over control there, including Kirkuk and parts of Ninewa, populated by ethnic and religious minorities. In September 2017, the KRG held a non-binding referendum on KRI independence which was largely supported by the Kurdish population, but was opposed by the federal government. The government issued demands that the KRG nullify the results, and in support of this, Iraqi government forces retook parts of the disputed territories taken by the Kurds, sparking the displacement of thousands of Kurds.



The presence and control of the Iraqi State have become stronger since the defeat of ISIL. It can be concluded that the State may, depending on the individual circumstances of the case, be considered able and willing to provide protection that meets the requirements of [Article 7 QD](#) in **Baghdad** and **southern Iraq**. In most other parts of **northern and central Iraq**, including the disputed territories, the capacity of the State is limited and the criteria under [Article 7 QD](#) would generally not be met.



When assessing the availability of State protection, **individual circumstances**, such as ethnicity, home region, gender, social status, wealth, personal connections, actor of persecution and type of human rights violation must be taken into account. The Iraqi State is in general considered able and willing to provide protection that meets the requirements of [Article 7 QD](#) for Shia Arabs in Baghdad and southern Iraq. This is without prejudice to the assessment in cases where State protection is considered not available due to individual circumstances. With regard to Sunni Arabs, the availability of state protection is considered limited, but may in individual cases be available. State protection is generally not considered available for members of minority religions and ethnicities, Palestinians, LGBTIQ persons and victims of domestic or honour-related violence, and gender-based violence, including harmful traditional practices.

It should be noted that if the actor of persecution is a PMF, and the group in question is considered a State actor, effective protection is presumed not to be available in accordance with [Recital 27 QD](#).

4.1.2. Kurdistan Regional Government (KRG)

Last updated: January 2021

[\[Actors of protection, 3.4, 8.3\]](#)

The KRI is governed by the autonomous KRG under the Iraqi Constitution. The KRG is responsible for the governorates of Erbil, Sulaymaniyah, and Dohuk. The KRG is the only constitutionally recognised autonomous region. The Constitution permits the KRG to have their own executive, legislative and judicial powers, aside from those exclusive to the federal government. They are allocated an equitable share of national revenues, and are permitted to establish and organise their own internal security forces, such as police.

KRG's regional legislative assembly is made up of 111 seats, ten of which are reserved for minorities (5 for Christian, 5 for Turkmen), and 30 % of which are for women. Under the Constitution, the KRG has considerable powers to legislate a range of areas including health services, education, policing and security, environment and natural resources, housing, trade, industry, social services, transportation and roads. The Kurdish Parliament may also amend the application of Iraq-wide legislation falling outside of exclusive federal powers.

Legislation, decisions, court decisions and contracts enacted in the region of Kurdistan shall remain in force, and decisions issued by the government of the region of Kurdistan 'shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the Constitution'.

A number of parliamentary committees also support the government in areas such as health, housing, human rights, civil affairs, women's rights, education, integrity and labour rights.



As a result of different political factions, Peshmerga groups' operating procedures are not standard or uniform and they frequently do not coordinate, with each faction taking orders from their political command. Sources indicated that the Peshmerga factions are politically divided and 'deeply partisan', and an instrument of political patronage for the PUK and KDP's respective political bureaus. An atmosphere of mistrust between the main political parties in KRI has been created, with each perceiving their own factions of the security forces as a line of defence against political rivals.

In KRI, the Kurdistan Judicial Council is independent of the KRG Ministry of Justice, however the executive branch reportedly 'politically influenced sensitive cases'. Judges are frequently appointed based on partisanship rather than merit or independence.

According to a UNHCR interview in 2016, the population of KRI does not make use of the police or the courts. The same report notes that IDPs generally mistrust the KRG forces and do not approach police either. There are no signs of 'systematic mistreatment' of Arab IDPs by the police or courts on account of their status or belonging in the north. However, collective punishment of IDPs upon security incidents is common and scapegoating sometimes occurred. There were reports that PMF and KRG forces detained children accused of terrorism, subjecting them to beating and abuses.

Both Arabs and Kurds were at risk of arbitrary detention and torture from the *Asayish*.

Despite legal protections under the 'press law' No 35. Of 2007, which prohibits imprisonment, harassment, or physical abuse of reporters, journalists state that it is used arbitrarily by the 'ruling elite to stifle dissent' and that security forces harassed news outlets critical of the KRG leadership.

Kurdish authorities have detained political opponents and have violently suppressed demonstrations, and political demonstrators and journalists have been beaten.

According to the UN, there is an 'overall mistrust in the criminal justice system' in Kurdistan with respect to the lack of effective investigations and the atmosphere of impunity, particularly regarding attacks on media professionals. In 2016, UNHCR observed that 'access to the rule of law [in KRI] is dependent on ethnic and religious affiliation, tribe, connections, family and relatives, and it is very difficult, if not impossible, for an individual to stand up for his rights by himself'.



In general, the KRG is considered to be an actor of protection meeting the requirements of Article 7 QD. However, in certain individual circumstances, such as for persons perceived as associated with ISIL, political opponents, LGBTIQ persons, in relation to harmful traditional practices, honour-based and domestic violence, the KRI may be unwilling to provide protection within the meaning of Article 7 QD.



4.2. Parties or organisations

Last updated: January 2021

In the context of [Article 7 QD](#), it is necessary that those parties or organisations control the State or a substantial part of the territory of the State. In order to consider that parties or organisations control a region or a larger area within the territory of the State, it should be established that they exercise governmental functions. Furthermore, those parties or organisations have to be willing and able to provide protection against persecution or serious harm as defined in [Article 7\(2\) QD](#).



No such actors are identified in Iraq.



5. Internal protection alternative

This chapter looks into the topic of internal protection alternative.



The contents of this chapter include:

- [Preliminary remarks](#)
- [Part of the country](#)
- [Safety](#)
- [Travel and admittance](#)
- [Reasonableness to settle](#)

Preliminary remarks

Last updated: June 2022

This chapter analyses the situation in Iraq in relation to the requirements of [Article 8 QD](#).



Article 8 QD

Internal protection

1. As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin, he or she:

a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or

b) has access to protection against persecution or serious harm as defined in Article 7;

and he or she can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.

2) In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, Member States shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, Member States shall ensure that precise and up-to-date



information is obtained from relevant sources, such as the United Nations High Commissioner for Refugees and the European Asylum Support Office.

It should be noted that the provision of [Article 8 QD](#) is an optional one. Therefore, the relevance of this chapter to the practice in Member States will depend on the transposition of [Article 8 QD](#) and/or the concept of internal protection alternative (IPA) in national legislation and its implementation in practice.

In national legislation and practice, IPA may also be referred to as ‘internal flight alternative’, ‘internal relocation’, etc.

IPA should only be examined after it has been established that the applicant has a well-founded fear of persecution or faces a real risk of serious harm and that the authorities or other relevant actors of protection are unable or unwilling to protect him or her in the home area. In such cases, if IPA applies, it can be determined that the applicant is not in need of international protection.

It should, however, be stressed that there is no requirement that the applicant has exhausted the possibilities to obtain protection in different parts of his or her country of origin before seeking international protection.

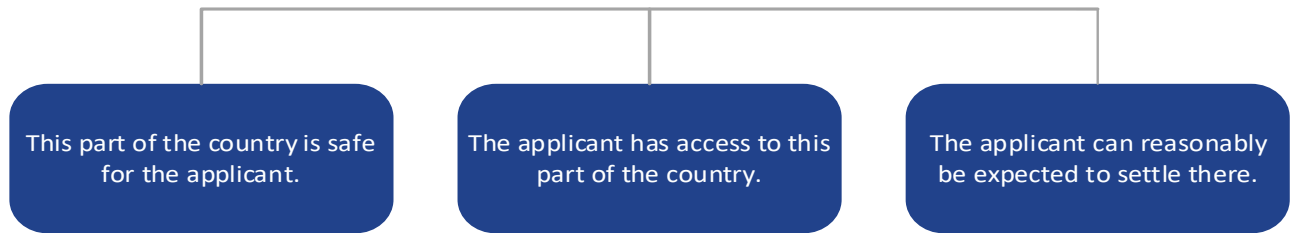


The analysis of IPA should be part of the assessment of the future risk of being subjected to persecution or serious harm. When assessing whether IPA applies, the burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements and indicate specific reasons why IPA should not be applied to them. Those elements have to be assessed by the determining authority.

In order to determine that internal protection is available in a particular part of the applicant’s country of origin, three cumulative criteria have to be met: ‘safety’, ‘travel and admittance’ and ‘reasonableness to settle’.



Figure 12. IPA: elements of the assessment.



In relation to these elements, when assessing the applicability of IPA, the case officer should consider the general situation in the respective part of Iraq, as well as the individual circumstances of the applicant.

This chapter analyses and provides guidance on the applicability of IPA in relation to the cities of **Baghdad, Basrah** and **Sulaymaniyah**. This is without prejudice to the possibility to apply IPA to other places in Iraq.



For more general guidance on the application of IPA, see the [‘EUAA Practical guide on the application of the internal protection alternative’](#).

5.1. Part of the country

Last updated: June 2022

The first step in the analysis of IPA is to identify a particular part of the country with regard to which the criteria of [Article 8 QD](#) would be examined in the individual case. Existing ties with the place, such as previous stay or residence and/or availability of a support network could, for example, be taken into account when focusing on a particular part of the country.



When identifying the part of the country to be considered for IPA, the case officer should take into account the ethno-religious background of the applicant and the region they originate from. In general:

For individuals of **Kurdish ethnicity** IPA would be considered in KRI.

For **Arab applicants**, IPA would be assessed with regard to other parts of Iraq.

In the case of **ethno-religious minorities**, IPA should primarily be assessed with regard to the region where their communities are concentrated.



The examples of Baghdad, Basrah and Sulaymaniyah are selected as important economic centres in Iraq.

5.2. Safety

Last updated: June 2022

The criterion of safety would be satisfied where the following two aspects have been established:

Figure 13. IPA: Assessment of the safety requirement.



5.2.1. Absence of the initial persecution or serious harm

When examining the element ‘absence of persecution or serious harm’, the decision-maker should refer to chapters 1 to 4 of this document.

When assessing the requirement of safety with regard to the applicability of IPA in individual cases of applicants from Iraq, the following elements should be taken into account:

▶ **general security situation in relation to indiscriminate violence**

The general security situation in Baghdad, Basrah or Sulaymaniyah should be assessed in accordance with the analysis under the section on [Article 15\(c\) QD](#). In this regard, it has been concluded that in the governorates of Basrah and of Sulaymaniyah, there is, in general, no real risk for a civilian to be personally affected within the meaning of Article 15(c) QD. For the governorate of Baghdad, it has been concluded indiscriminate violence is taking place, however not at a high level.

It can be concluded that the general security situation in the cities of Basrah, Baghdad and Sulaymaniyah does not preclude an IPA to be applied to those cities and that a careful examination of the safety requirement with regard to IPA should take place, particularly when assessing the availability of IPA to Baghdad.

▶ **actors of persecution or serious harm and their reach**



In case where the person fears persecution or serious harm by **State actors**, there is a presumption that IPA would not be available (e.g. persons perceived to be associated with ISIL). In specific cases, where the reach of a certain State actor is clearly limited to a particular geographical area (e.g. a PMF, the KRG, the Peshmerga), the criterion of safety may be satisfied with regard to other parts of Iraq.

With regard to persecution or serious harm by **ISIL**, it should be noted that the operational capacity of the armed group has decreased, however, it is still active in certain regions.

In some cases, where the applicant faces persecution or serious harm for reasons related to the prevalent tribal and social norms in Iraq and the actor of persecution or serious harm is **Iraqi society** at large (e.g. LGBTIQ persons, certain ethno-religious minorities), IPA would in general not be considered safe.

For certain particularly vulnerable individuals, such as women and children, if the actor of persecution or serious harm is the **(extended) family, tribe or community** (e.g. *fasliya* marriage, FGM), taking into account the reach of these actors and the lack of State protection, IPA would in general not meet the requirement of safety.

It should be underlined that it cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation, in order to avoid the risk of persecution or serious harm ⁽⁴⁶⁾.

See the section [1. Actors of persecution or serious harm](#).

▶ **whether the profile of the applicant is considered a priority target and/or a threat by the actor of persecution or serious harm**

The profile of the applicant could make him or her a priority target, increasing the likelihood that the actor of persecution or serious harm would attempt to trace the applicant in the potential IPA location.

▶ **other risk-enhancing circumstances**

The information under the section [2. Refugee status](#) should be used to assist in this assessment.

5.2.2. Availability of protection against persecution or serious harm

Alternatively, it may be determined that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm, as defined in [Article 7 QD](#).

⁽⁴⁶⁾ CJEU, *X, Y and Z*, paras. 70-76; CJEU, *Y and Z*, para. 80.



in the area where IPA is considered. In the case of persecution by the State, a presumption of non-availability of State protection applies.



The requirement of safety may be satisfied in the cities of Baghdad, Basrah and Sulaymaniyah, depending on the profile and the individual circumstances of the applicant.

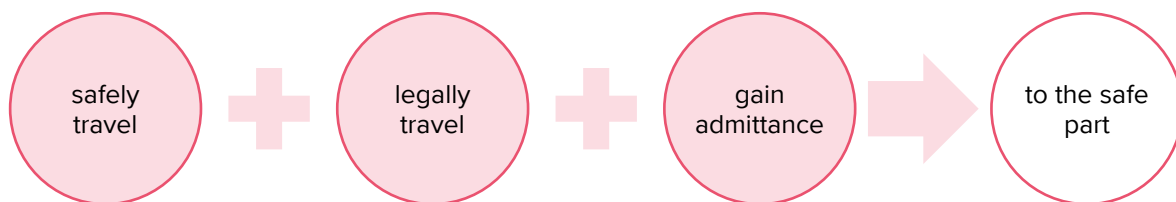
5.3. Travel and admittance

Last updated: June 2022

[[KSEI 2020](#), 1.3.2, 1.3.7, 1.7; [KSEI 2021](#), 1.1, 1.2, 1.3.3, 3.3.3; [UNHCR, Access and residency 2021](#) ⁽⁴⁷⁾].

In case the criterion of ‘safety’ is satisfied, as a next step, it has to be established whether an applicant can:

Figure 14. Travel and admittance as requirements for IPA.



The general situation and the individual circumstances of the applicant should be taken into account when assessing whether he or she can safely and legally travel and gain admittance to a part of the country.

It should be noted that in the context of Iraq and in particular of the security measures related to ISIL, the three requirements cannot be clearly differentiated.

In January 2021, UNHCR reported that security screenings and clearance requirements remained in place for persons from formerly ISIL-held or conflict-affected areas across Iraq. While access bans and entry restrictions have all been lifted by early 2020, sponsorship and other requirements remain in place for residency in several governorates for persons from

⁽⁴⁷⁾ UNHCR, Iraq: Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Iraq: Ability of Persons Originating from Formerly ISIL-Held or Conflict-Affected Areas to Legally Access and Remain in Proposed Areas of Internal Relocation, January 2021, <https://www.refworld.org/docid/5ffc243b4.html>. Individual applications should always be assessed in light of the most up-to-date available COI.



formerly ISIL-held or conflict-affected areas, especially Sunni Arabs and Sunni Turkmen [[KSEI 2021](#), 1.1].

It should also be noted that crossing checkpoints is a fact of daily life in Iraq. Passing through checkpoints requires giving one's identity by providing identification papers, including at least their national ID and citizenship card. In addition to some permanent checkpoints, temporary checkpoints may also be established [[KSEI 2021](#), 1.2].

The multitude of security checkpoints, which may be operated by a variety of security actors in the same area, often lack coordination. Due to the lack of clear rules, checkpoints may run at the whims of the different actors operating them. In many cases, ethnic or religious affiliation is used by the different militias operating checkpoints to allow or deny access to that particular region or governorate of Iraq, sometimes with immediate consequences for the safety of individuals. For instance, security clearances are required and often denied to members of families perceived as affiliated to extremist groups and IDPs who had lived under ISIL (see profile [2.1 Persons \(perceived to be\) affiliated with ISIL](#)). [[KSEI 2020](#), 1.3.7]

- ✓ **Safely travel** – there should be a safe route, which the applicant can practically travel through without undue difficulty, so that he or she can access the area of IPA without serious risks.
 - **Baghdad:** Baghdad International Airport is located 16 kilometres west of downtown Baghdad.
 - **Basrah:** Basrah International Airport is located 10.5 kilometres from the city centre and is the second largest airport.
 - **Sulaymaniyah:** Sulaymaniyah International Airport is located 14 kilometres from the city centre. It has been reported that the conditions of roads throughout Iraq were 'reasonably good, and roads are generally well constructed'. IEDs were reportedly common around Baghdad, and tended to target logistical convoys supplying US bases, but were reportedly uncommon in the KRI. Basrah was also affected by those attacks on supply convoys. ISIL reportedly continues to threaten road links among Salah al-Din. [[Security 2022](#), 1.3.3]

Despite the above and taking into account the availability of an international airport, the requirement of safety of travel would in general be considered met with regard to the three cities. For some profiles, in particular for individuals who may be perceived as associated with ISIL, this requirement should be carefully assessed on an individual basis (see [2.1 Persons \(perceived to be\) affiliated with ISIL](#)).

- ✓ **Legally travel** – there should be no legal obstacles that prevent the applicant from travelling to the safe area. Iraqis have freedom of movement, travel and residence inside and outside Iraq provided for under Article 44 of the Iraqi Constitution. The Constitution also provides that 'no Iraqi may be exiled, displaced, or deprived from returning to the homeland'.



Based on available COI, it is concluded that there are in principle no legal restrictions for Iraqis to travel in Iraq, including in the cities of Baghdad, Basrah and Sulaymaniyah.

- ✓ **Gain admittance to** – the applicant should be allowed to access the safe area by the actor(s) who control it. According to Iraq’s National Policy on Displacement ‘The Government ensures that a person’s freedom of movement and choice of place of residence will not be subject to any restrictions save those maintained by the law as they are deemed necessary for reasons pertaining to national security, public order or health, morals or other people’s rights and freedoms.’ The National Policy on Displacement provides for a broad range of IDP rights to protection, legal status, basic social services, health, food, shelter, freedom of expression and freedom of movement [[Internal mobility](#), 1.3].

Albeit the above-mentioned Iraq’s National Policy, in practice the movement, residency and gaining admittance to and access to viable services such as education and healthcare, is restricted by numerous requirements, such as security clearances and identification document requirements [[KSEI 2020](#), 1.3.7]. According to COI sources, rules, regulations and security procedures for IDPs entering **KRI** do not fall under any law and are subject to change due to security and political developments. In general, it is found that access to the KRI has improved in recent years [[Internal mobility](#), 3. 4; [KSEI 2021](#), 3.3.3].

It should be noted that access and residency requirements are not always clearly defined and/or implementation can vary or be subject to changes depending mostly on the security situation. Sponsorship requirements are generally not grounded in law and are not officially announced. Moreover, in some areas, persons from formerly ISIL-held or conflict-affected areas may be pressured by local authorities or other actors to return to an area previously held by ISIL. Cases of forced returns of IDPs, notably through the closure and merging of camps, were reported, particularly in Ninewa, Salah al-Din, Anbar and Kirkuk, and often resulted in secondary displacement.

Information on the access and residency requirements for the cities of Baghdad, Basrah and Sulaymaniyah is provided below.

■ **Baghdad**

According to recent information, no sponsor is required for entry to Baghdad governorate.

With regard to residency requirements, persons from formerly ISIL-held or conflict-affected areas, particularly Sunni Arabs, including those who return to Iraq from a third country, require two sponsors from the neighbourhood in which they intend to reside as well as a support letter from the local *mukhtar*. In addition, security clearance from relevant security agencies is needed.

■ **Basrah**

Entry to the governorate of Basrah does not require a sponsorship.



With regard to residency requirements, persons from formerly ISIL-held or conflict-affected areas, particularly Sunni Arabs, including those who return to Iraq from a third country, require a local sponsor, as well as a support letter from the local *mukhtar* in order to legally reside in Basrah. In addition, security clearance from relevant security agencies is needed.

■ Sulaymaniyah

Entry to the governorate of Sulaymaniyah does not require a sponsorship.

With regard to residency requirements, persons originating from outside the KRI must approach the local *Asayish* in the neighbourhood in which they seek to reside in order to obtain a security clearance for a residency permit. The residency permits are normally valid for a year. Single Arab and Turkmen men, however, are generally only issued a one-month renewable residency permit by the *Asayish*. Those of them who have proof of regular employment and a support letter from their employer can apply for a one-year renewable residency card, but only few of those who apply are granted one. Individuals of Kurdish or Yazidi background, regardless of where their ID documents have been issued, do not need a residency permit to settle in Sulaymaniyah governorate. However, Iraqi Kurds and Yazidis with civil documentation from governorates outside KRI need to request an *Asayish* code and the transfer of their Housing Card through the local *Asayish* office in the neighbourhood in which they want to settle. Kurds and Yazidis arriving from areas that are disputed between the KRG and the Federal Government of Iraq are permitted to move their Housing Card. However, they cannot obtain civil documentation issued in Sulaymaniyah. [[KSEI 2021](#), 1.3.3]



Based on available COI, it is concluded that there are certain administrative restrictions or requirements for persons from previously ISIL-held or conflict-affected areas to be admitted in parts of the country, including the cities of Baghdad, Basrah and Sulaymaniyah. This refers mostly to requirements for residency, in the case of Baghdad, Basrah and Sulaymaniyah. Sunni Arabs and in some cases Turkmen men are particularly affected by such requirements.

The assessment of whether the requirement of gaining admittance is likely to be met, should take into account the individual circumstances of the applicant (ethno-religious background, place of origin, identity documents, security clearance, family status, existing social ties and having a potential sponsor, etc.). The individual case should be assessed based on the most recent COI available.

5.4. Reasonableness to settle

Last updated: June 2022

According to [Article 8\(1\) QD](#), IPA can only apply if the applicant ‘can reasonably be expected to settle’ in the proposed area of internal protection. In case the criteria of safety and travel and admittance are met, the assessment of the availability of IPA in Baghdad, Basrah or



Sulaymaniyah should proceed with an analysis of its reasonableness in light of the general situation in the city and the individual circumstances of the applicant.

This common analysis follows a rights-based approach in light of jurisprudence of the EctHR identified as relevant. While acknowledging that the EctHR jurisprudence is in the context of a different legal regime and addresses particular individual situations, the following principles could be derived from it and are found of relevance to the reasonableness test under [Article 8 QD](#).



The assessment should take into account the applicant's ability to cater for their most basic needs, such as food, hygiene and shelter, their vulnerability to ill-treatment and the prospect of their situation improving within a reasonable timeframe ⁽⁴⁸⁾.

Internal relocation inevitably involves certain hardship. In this regard, difficulties in finding proper jobs and housing would not be decisive, if it could be found that the general living conditions for the applicant in the proposed area of IPA would not be unreasonable or in any way amount to treatment prohibited by [Article 3 ECHR](#) ⁽⁴⁹⁾.

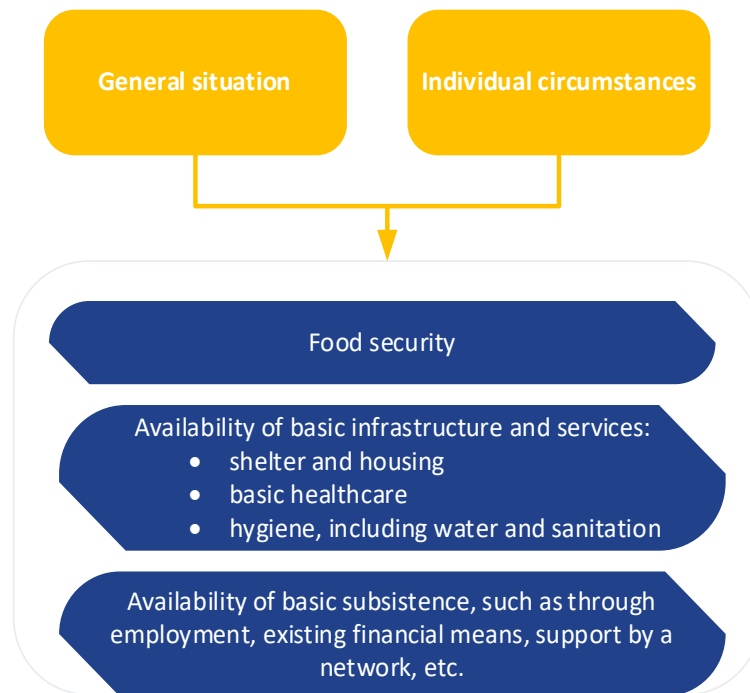
In applying the reasonableness test, it should be examined whether the basic needs of the applicant would be satisfied, such as food, shelter and hygiene. Additionally, due consideration has to be given to the opportunity for the person to ensure their own and their family's subsistence and to the availability of basic healthcare. The assessment should be based on the general situation in the country and the individual circumstances of the applicant.

⁽⁴⁸⁾ ECtHR, *Sufi and Elmi*, para. 283.

⁽⁴⁹⁾ ECtHR, *A.A.M. v Sweden*, para.73.



Figure 15. IPA: assessment of the reasonableness requirement.



The general situation in the area in consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

These criteria are assessed below in relation to the general situation in Basrah, Baghdad and Sulaymaniyah ([General situation](#)). This general situation is, furthermore, taken into account in the conclusions regarding the applicability of IPA to certain profiles of applicants ([Conclusions on reasonableness](#)).

5.4.1. General situation

Last updated: June 2022

Based on available COI, the general situation with regard to the elements mentioned above is assessed as follows:

Food security [[KSEI 2020](#), 1.3, 2.4, 2.7; [KSEI 2021](#), 2.4, 2.4.1, 2.4.2, 2.4.3]: In 2019, the UN World Food Programme stated that food insecurity among men in urban areas was 1.8 % and in rural areas 4.9 %, while among women the percentages were 1.5 % in urban areas and 7.6 % in rural areas. The percentages of people who were vulnerable to food insecurity were significantly higher, amounting to around 50 % in urban areas and 60 % in rural areas. Due to the COVID-19 impact on the Iraqi economy, the list of people identified as most at risk of food insecurity is to include additional people. In a report dated 30 April 2020, the WFP observed a tendency to hoard food for the COVID-19 lockdown period, which led to a surge in food prices towards the



end of March. However, the prices stabilised in April due to price control measures and the distribution of essential food items through the Public Distribution System (PDS). The average of goods availability at a national level was 8.5 out of 10, and markets across the country showed very good resilience in terms of supply chain.

Baghdad is generally depended on food imports. Data collected on 15 November 2020 showed that 10 % of people in Baghdad governorate had insufficient food consumption. Due to the devaluation of the Iraqi dinar in December 2020, prices for some imported essential foods rose. This negatively affected food security at the household level. Baghdad had the highest variation in food prices during the reference period. Loss of employment and income because of the COVID-19 pandemic challenged the situation additionally. In Baghdad, the price of the food basket increased by 36 % in late December 2020.

Basrah suffered from a major water crisis which resulted in losses for farmers. This had a serious impact on food security and access to drinking water. Furthermore, farmers did not generate sufficient income from their agricultural activities, turning agricultural land into residential areas.

Sulaymaniyah's food market was less impacted by the devaluation of the Iraqi dinar. The KRI had the lowest consumption of rationed items in Iraq. According to Oxfam 22% did not have access to nutritious food, half of them were women. High prices, limited incomes and COVID-19 restrictions attributed to this situation. In September 2020, an estimation of 5.1-10 % of IDP households in Sulaymaniyah had a food security living standard gap (LSG).

In the Baghdad, Basrah and Sulaymaniyah governorates, IDP, returnees and hosts living in out-of-camp settings were reached through emergency food baskets.

All Iraqis are eligible for the Public Distribution System (PDS), a government programme consisting of distribution of food and oil rations on a monthly basis. In order to obtain a PDS card, it is necessary to present a civil ID and residency card. On 8 July 2020, a pilot project to launch an online application of the PDS system was rolled out in Baghdad. [KSEI 2021, 3.1.6] Kurds and Yazidis arriving from areas that are disputed between the Kurdish Regional Government (KRG) and the Federal Government of Iraq to Sulaymaniyah are not allowed to transfer their food ration card [KSEI 2021, 1.3.3].

Although food is generally available, it remained a high priority concern for IDPs in Iraq. IDPs in and out of camp settings lack or have limited access to food, with female-headed households and girls being particularly affected.

Housing and shelter [KSEI 2019, 6.1; KSEI 2020, 1.3, 2.7; KSEI 2021, 2.7]: The country is reported to have a large housing deficit. Rapid population growth and constant growth in informal settlements inside and around cities (mainly Baghdad and Basrah) were aspects of the current housing situation in Iraq. Housing prices have increased in areas where many IDPs have come to. A lot of the housing in cities is informal and is not built according to planning of the government. UNOCHA observed that around 700 000 people remained in critical shelter, such as makeshift shelters, unfinished or abandoned buildings, worn tents or public buildings. Rents are increasing extremely in **Baghdad** and the large inflow of IDPs and migrants to urban areas



has put notable pressure on the housing market, although rental costs slightly decreased due to COVID-19-related restrictions. Lack of housing led to a growing number of informal settlements. An estimated 3.3 million inhabitants (12.9 % of the local population) lived in informal settlements. Repeated power cuts in southern Iraq, including Baghdad and Basrah, affect peoples' lives and living conditions especially in summer, when temperatures rise above 50 degrees Celsius. The cost of renting housing in **Basrah** city is also higher than in surrounding areas. Basrah city's 'already dilapidated infrastructure' was further challenged by the rapid expansion of illegal settlements. As reported in February 2020, Basrah had 667 informal settlements. In **Sulaymaniyah**, the demand for housing was growing as people moved to the city attracted by employment opportunities. Single men and women face restrictions on areas and types of rental accommodation, as they are not permitted to rent apartments in Sulaymaniyah city centre, unless the apartment is part of an apartment complex. In contrast to other regions in Iraq, which can only provide a few hours of electricity a day, Sulaymaniyah governorate provides on average 12 hours of electricity a day.

As of July 2021, there were 26 856 IPDs or 4 476 IDP households in Baghdad governorate. In October 2020, three IDP camps closed in Baghdad governorate following a government's policy aiming at closing all IDP camps in the Baghdad-controlled regions by December 2020. According to an UNOCHA report, closure of IDP camps resulted in difficult humanitarian conditions and protection issues due to 'not well-coordinated' movements. [KSEI 2021, 2.7.1]

IDPs that are in camps do have shelter, but it is the most basic form of shelter. IDPs in and out of camp settings lack or have limited access to housing.

Water and hygiene [KSEI 2020, 1.3, 2.4, 2.7; KSEI 2021, 2.4, 2.7]: Water access has improved since 2010, however, many Iraqis still rely on informal wells, government and NGO water trucks, and unreliable tap systems, while Iraq's freshwater continues to be depleted. During recent years, various sources have reported about the existence of a serious water resources problem stemming from external and internal factors, such as the drop in the levels of water of the Euphrates and Tigris, climate change, and high contamination levels. Increasingly frequent and intense droughts in central and southern Iraq were an additional threat to agricultural production and contributed to the problem of water scarcity. Poor water governance, out-dated infrastructure and poorly maintained irrigations systems also worsened Iraq's situation of water scarcity. [KSEI 2021, 2.4.2]

The residents of **Baghdad** deal with daily water service interruptions, especially in summer. A population boom put additional pressure on utilities and housing. Drinking and agricultural water available in Baghdad City is of poor quality. Chemical pollution is a significant problem for many drinking water sources in Baghdad city, including bottled water. The sewer system in Baghdad serves between 75.9 and 90 % of the city's households but it is old and, therefore, inefficient. 10.1 to 25 % of IDP households in Baghdad governorate's Al-Khadhmiah and Al-Mahmoudiya districts suffered from a water, sanitation and hygiene living standards gap. In Al-Adhamiya and Al-Karkh they are 0.1 to 10 % to suffer from such a gap. [KSEI 2021, 2.7.1] Access to safe drinking water represented one of the main problems in **Basrah**. Almost half of the governorate's inhabitants informed UN-Habitat that the availability of drinking water was bad or very bad and



less than half of the people with access to the public water network had water available for the full day. [KSEI 2021, 2.4.2]

The sewer system in **Baghdad** has been reported to be old and ‘has exceeded its design life’, and it suffered from various problems, especially in the rain season. Numerous residents in the **Basrah** governorate were not connected to the water and sewage networks, leading to contaminating groundwater with raw sewage. The city’s sewage system is obsolete and sewerage services are deteriorating. The increased use of polluted water from the Shatt Al-Arab triggered an outbreak of water related illnesses. Water from the public water network was non-potable and not suitable for washing dishes and showering. In June 2021, drought impacted **Sulaymaniyah** city, and in the whole governorate contaminated water caused a rise in diseases due to the consumption of non-potable water.

Concerning IDP’s access to water, 46 % of households in camps and 36 % out of camps households and 21 % of returnee households are unable to access enough water for domestic use.

Basic healthcare [KSEI 2020, 1.3, 5 2.5; KSEI 2021, 2.4, 2.5]: The Iraqi State provides a universal healthcare and medical supplies at a subsidised cost to all Iraqis. Medications and services provided in public hospitals are subject to shortages. Due to COVID-19, situation at many of Iraq’s hospitals deteriorated rapidly, as waves of new cases exposed their capacity to cope with extraordinary pressure and overwhelmed their overworked and under-resourced staff.

The ID card is required to register at a clinic or hospital in order to get access to healthcare. Those who miss documents do not have access to healthcare and are not able to acquire birth certificates for their children.

As a result of the conflict, the healthcare system in Iraq, including in Baghdad, has seen a significant deterioration. Both health services and medication are available in a public and a private sector system. Hospitals and other health services are heavily concentrated in urban areas. As a consequence, hospitals and other medical facilities are either scarcely or not at all available for inhabitants of the poorer governorates. In April 2021, it was reported that the numbers of health professionals and centres across the country were very low and did not match the population growth. The COVID-19 pandemic only aggravated the existing situation [KSEI 2021, 2.5.1]. Medical staff are not evenly distributed across the country; disproportionately large numbers of doctors, healthcare professionals and beds are located in **Baghdad**, while poorer governorates, such as **Basrah**, have fewer available medical resources and experience shortage in vital medical equipment.

Baghdad has the nationwide highest bed availability in public hospitals – 1.6 beds per 1 000 people, with a total number of 13 628 beds. Private hospitals offered an additional 2 342 general hospital beds. Most IDP camps in Baghdad had no health centre or medical teams to take care of emergencies, and people lacked the money to pay for private doctors. [KSEI 2021, 2.5.1].

In **Basrah** the total number of 4 227 available beds in public hospitals, including 3 323 general and 904 ‘emergency beds’, signified a ratio of 1.4 beds per 1 000 people, while the private



hospitals offered an additional 282 general beds. The main obstacles with regard to access to public hospitals were linked to the unavailability of doctors in general, of female doctors or nurses and of medical equipment. [KSEI 2021, 2.5.2].

In **Sulaymaniyah** the ratio of government hospitals to residents is the highest in Iraq. With statistically 21.6 health centres per population of 100 000, the governorate had the nationwide highest density of primary health facilities offering a total of public and private bed availability of 3847 beds. [KSEI 2021, 2.5.3].

Means of basic subsistence [KSEI 2019, 1.3, 1.4, 2.1, 2.2; KSEI 2021, 2.2, 2.3]: In the second half of 2019, the World Bank reported on a ‘broad-based’ recovery of the Iraqi economy. However, the COVID-19 crisis and all subsequent preventive measures gave rise to concerns regarding the population’s economic welfare. Several sources referred to corruption and governance-related issues as the major challenges the Iraqi economy has been facing. Unemployment is high and labour force participation remains exceedingly low, especially for women and youth and in the areas affected by conflict. Although the situation is improving, the current economic situation is not at the same level as it was before the ISIL conflict.

In **Baghdad** governorate, the total unemployment rate in 2021 was 9.3 % and the youth unemployment rate 15 %. Employment opportunities in southern Iraq are described as ‘limited’ due to the 2003-2011 and 2014-2017 Iraq wars as well as to the high dependency on oil, which hinders potential employment in productive sectors. Two thirds of female and male employees in the private and public sector had difficulties finding a job because of the limited job opportunities. Poverty and structural inequality create dependence upon PMF for jobs, access to public and/or private services as well as bureaucratic approval. In **Basrah** governorate, unemployment rate in 2021 was 7.6 % and the youth unemployment rate (age 15-29) was 16.5 %, with rural employment being mainly agriculturally based; the sector has been negatively impacted by water salinity and shortages in 2018. Two thirds of female and male employees in the private and public sector had difficulties finding a job because of the limited job opportunities. Social constraints on working women prevailed. 60-80 % of households in Basrah were in severe or extreme need in September 2020. In **Sulaymaniyah** governorate, the economic activity rate of people between the age of 15 and 29 was 44.7 % (above the national average of 36.8 %), however the unemployment rate in this group was high at 27.7 %. Compared to the rest of Iraq, unemployment among women (28 %) and youth (42 %) was particularly high in the KRI already before the COVID-19 pandemic. 80.1-90 % of households were in severe or extreme need in September 2020.

The rates of unemployment are especially high for IDPs. The lack of livelihoods for IDPs translated into difficulties meeting basic needs, such as food, household/non-food items, and shelter. In 2020 in **Baghdad** governorate, out of 31 000 IDPs living in out-of-camp settings in the governorate, 20 000 were in need and 8 000 out-of-camp-IDPs were in acute need. It has also been reported that all of the documented in-camp-IDPs in Baghdad governorate were in need (1 000 IDPs) or in acute need (300 IDPs). Additionally, more than 50 000 returnees were in need. In 2020 in **Basrah** governorate, out of 6 000 documented out-of-camp IDPs, 2 000 were in need and 458 in acute need. In **Sulaymaniyah** governorate, out of 119 000 IDPs living in out-of-camp settings in the governorate, 92 000 were in need and 49 000 out-of-camp-IDPs were in



acute need. It has also been reported that all of the documented in-camp-IDPs in the governorate were in need (11 000 IDPs) or in acute need (6 000 IDPs).

The general circumstances prevailing in Baghdad, Sulaymaniyah and Basrah, assessed in relation to the factors above, do not preclude the reasonableness to settle in the cities. However, a careful examination should take place, particularly when assessing the availability of IPA to Basrah. The assessment should take into account the individual circumstances of the applicant.

5.4.2. Individual circumstances

Last updated: January 2021

*Minor updates added: June 2022

In addition to the general situation in the area of potential IPA, the assessment whether it is reasonable to settle in that part of the country should take into account the individual circumstances of the applicant.

The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms, which would have an impact in determining to what extent it would be reasonable for the applicant to settle in a particular area.

Please note that this is a non-exhaustive list:

- **Ethno-religious and linguistic background** [[KSEI 2020](#), 2; [Targeting 2019](#), 3.4; [Internal mobility](#), 3.3]: The ethno-religious background of the applicant and their linguistic knowledge are determinative when assessing the reasonableness of IPA in parts of Iraq. Kurdish is the most widely spoken language in KRI, while the most widely spoken language in the rest of the country is Arabic. Few Iraqis speak both Arab and Kurdish, which leads to a general language divide between north and south, with some exception, such as in Baghdad, which has a large Kurdish community that speaks both languages. Individuals of an ethno-religious background, which represent a minority in the area, face discrimination. Members of ethnic and religious groups would face difficulties relocating and assimilating into the community in an area dominated by another ethnic or religious group if they would be without familial, tribal, or political networks.
- **Civil documentation** [[KSEI 2020](#), 1.3.7, 1.7; [KSEI 2021](#), 3.1; [Internal mobility](#), 2.4]: In Iraq, a combination of civil documentation, namely the civil status ID, the nationality certificate, the Public Distribution System card (PDS) and the residency card these documents is needed for one's ability to carry on daily life and access basic rights, public services, education, food assistance, housing, employment, to register in order to receive state aid or welfare benefits, to rent a house, to register with the police in one's neighbourhood, or to sell vehicles or large items. Civil documentation is necessary for movement in and around Iraq and for passage through security checkpoints. The national civil status ID



card is issued in the place of origin. However, returning to the area of origin may entail financial and security obstacles. The Iraqi government has also taken the initiative to send mobile units to a certain number of IDP camps in order to issue ID documents. In order to re-acquire an ID card, applicants must present necessary documentation, including security clearance, proof of identity such as birth certificate or ID card of a close relative such as father or grandfather, which is checked against central population registers, as well as a fee. Several sources state that individuals without valid identity documentation have restricted freedom of movement and may be at risk of being arrested. Additionally, women's ability to access services may be impacted by the difficulty to obtain death or missing person certificates for their husbands or fathers.

- **Support network** [[KSEI 2020](#), 1.6]: Recourse to non-State support networks represents the most frequent coping mechanism adopted by all categories of the population to access social protection and economic resources. A support network can be the family network, not restricted to the core family, but also including the extended family, and/or a social network, in particular: friends, employers, members of the same tribe, especially when there is a certain point of contact, etc., taking into account their ability to assist the person in accessing basic subsistence. Family connections play an important role in the Iraqi society, particularly in terms of finding employment and affordable housing. Networks of support are also linked to mainly sectarian political connections, with political parties being the main vehicles through which resources provided by the State are accessed, particularly jobs in the public sector, various social assistance schemes and all administrative services. Those without the associated political party connections, or the wrong party affiliation in a certain place, are at a particular disadvantage. Special consideration should be given in the case of individuals who lived abroad for a long period and who have no relatives in the three cities, as they may often lack the necessary support network.
- **Family status** [[KSEI 2020](#), 1.4, 1.3.3]: Single people, and in particular single women, may face difficulties when resettling without a support network. Additional obstacles may be related to the family status of the woman, such as being a single mother or a widow, a wife or formerly a wife of an ISIL fighter, etc. According to a COI source, generally in Iraq, it is more difficult for single men to rent houses than apartments or studio apartments.
- **Age** [[KSEI 2020](#), 1.5, 1.6]: Young age as well as elderly age could significantly limit the applicant's access to means of subsistence such as through employment, making him or her dependent on other providers. Therefore, this element should be seen in conjunction with the available support by family or a broader support network. In the case of children, the best interests of the child shall be a primary consideration, for example, with regard to access to basic education.
- **Gender** [[KSEI 2020](#), 1.4]: Women and girls in Iraq may be subjected to discriminatory restrictions and may need the support of a male family member in order to access different services and to exercise certain rights. What is more, women and girls encounter additional difficulties in relation to education, work, housing, etc. Therefore,



the gender of the applicant should be taken into account when considering reasonableness in conjunction with their family status and available support.

- **State of health** [KSEI 2020, 2.5]: Access to healthcare is strained in various areas of Iraq, making the health status of the applicant an important consideration when assessing the reasonableness of IPA for those who require medical treatment, also taking into account that their state of health may affect their ability to work. For those with disabilities, access to basic subsistence such as through employment would be further limited.
- **Professional and educational background and financial means** [KSEI 2020, 2.2]: The professional background of the applicant, their level of education and available financial means should be taken into account when assessing the reasonableness of IPA, and in particular the access of the applicant to means of basic subsistence.

It should be noted that these factors would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA. In some cases, more than one element of vulnerability would confirm a conclusion that IPA is not reasonable for the particular applicant (e.g. individual from an ethno-religious minority without a support network, unaccompanied child), while in other cases, they would balance each other (e.g. elderly person with a support network).

5.4.3. Conclusions on reasonableness

Last updated: June 2022

The general conclusions on the reasonableness of IPA for particular profiles of applicants are based on an assessment of the general situation in the three cities, and the individual circumstances of such applicants, as outlined in the sections above.



Taking into account the ethno-religious background of the applicant, it could be substantiated that IPA in the cities of Baghdad, Basrah, and Sulaymaniyah would be reasonable for **single able-bodied men** and **married couples without children**, who have identification documents and have no additional vulnerabilities including when they do not have a support network. In the case of **families with children**, internal protection alternative may be reasonable, including without a support network, where the best interests of the child have been duly assessed.

Although the situation related to settling in the three cities entails certain hardships, it can still be concluded that such applicants would be able to ensure their basic subsistence, housing, shelter and hygiene, and access to basic healthcare.

In order to ensure their basic needs, other profiles of applicants would in general need a support network in the area of potential IPA. However, additional individual circumstances may be relevant to take into account when assessing the reasonableness of IPA.





It should be highlighted that these conclusions are without prejudice to the criteria of safety, travel and admittance and that the individual circumstances in the case at hand should be fully examined.





6. Exclusion

This chapter looks into the potential applicability of the exclusion grounds under [Article 12\(2\) QD](#) and [Article 17\(1\) QD](#) in relation to acts committed by applicants from Iraq.



The content of this chapter is structured as follows:

Preliminary remarks.

It further outlines some of the factual circumstances in which exclusion may be relevant (Relevant circumstances).

Conclusions and guidance concerning the application of the different exclusion grounds to these circumstances is included under Guidance with regard to Iraq.



For further general guidance on exclusion, see the [EUAA Practical Guide: Exclusion](#).

Preliminary remarks

Last updated: January 2021

Applying the exclusion grounds, where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

This chapter focuses on the exclusion of applicants found not to deserve international protection in accordance with [Article 12\(2\) QD](#) and [Article 17\(1\) QD](#).

If a person would otherwise qualify for refugee status, the following would constitute exclusion grounds, according to [Article 12\(2\) and \(3\) QD](#):



Article 12(2) and (3) QD

Exclusion (Refugee status)

2. A third-country national or a stateless person is excluded from being a refugee where there are serious reasons for considering that:

(a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;



(b) (he or she has committed a serious non-political crime outside the country of refuge prior to his or her admission as a refugee, which means the time of issuing a residence permit based on the granting of refugee status; particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes;

(c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.

3. Paragraph 2 applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.

If the person would otherwise be eligible for **subsidiary protection**, the exclusion grounds under [Article 12\(2\)\(a\) and \(c\) QD](#) would apply in the same way ([Article 17\(1\)\(a\) and \(c\) QD](#), respectively). The ground of ‘serious crime’ ([Article 17\(1\)\(b\) QD](#)), on the other hand, is broader than ‘serious non-political crime’ and has no geographical or temporal limitations. Furthermore, additional exclusion grounds from subsidiary protection are envisaged under [Article 17\(1\)\(d\) QD](#) and [Article 17\(3\) QD](#). [Article 17\(3\) QD](#) contains an optional provision and its applicability would depend on the transposition of this provision in national legislation ⁽⁵⁰⁾.



Article 17 QD

Exclusion (Subsidiary protection)

1. A third-country national or a stateless person is excluded from being eligible for subsidiary protection where there are serious reasons for considering that:

(a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he or she has committed a serious crime;

(c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;

(d) he or she constitutes a danger to the community or to the security of the Member State in which he or she is present.

2. Paragraph 1 applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.

3. Member States may exclude a third-country national or a stateless person from being eligible for subsidiary protection if he or she, prior to his or her admission to the Member State concerned, has committed one or more crimes outside the scope of paragraph 1 which would

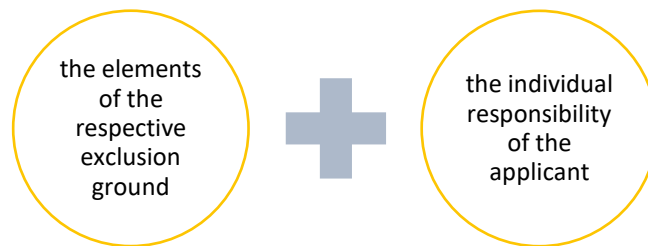
⁽⁵⁰⁾ Noting the optional nature of this exclusion ground, and its scope, which is not country-specific, no further analysis and guidance is provided on Article 17(3) QD.

be punishable by imprisonment, had they been committed in the Member State concerned, and if he or she left his or her country of origin solely in order to avoid sanctions resulting from those crimes.

It should be taken into account that an applicant could have committed multiple excludable acts, falling under different exclusion provisions. National practice may vary regarding whether one particular act should be qualified under more than one ground where the necessary elements are present.

It should be underlined that the determining authority has the burden of proof to establish:

Figure 16. Elements in applying exclusion.



At the same time, the applicant has a duty to cooperate in establishing all facts and circumstances relevant to his or her application.

Individual responsibility could be substantiated not only in case of direct commission of the excludable act (for the perpetrator), but also in other instances where the person substantially contributed to the commission of an excludable act. The assessment of individual responsibility is based on the nature and extent of the applicant's involvement in the excludable act(s), as well as his or her state of mind in relation to these act(s). Different **forms of conduct** may lead to a finding of individual responsibility (for example, direct commission, inducing others, aiding and abetting, command responsibility, etc.), where the relevant intent and knowledge are established.



The applicable standard of proof is 'serious reasons for considering', which requires clear and reliable evidence, but is not as high as the standard for criminal responsibility ('beyond reasonable doubt').

The fact that the applicant was or is associated with a group or regime responsible for excludable act(s) does not relieve the determining authority from demonstrating his or her individual responsibility.

However, depending on the nature, scale of the group or regime, the voluntary association with it and the position, rank, standing and influence of the applicant within the group, there may be sufficient evidence for both the 'conduct' and the 'state of mind' requirements to be inferred. It remains necessary, however, that the decision-maker identify the relevant mode of individual responsibility and examine the facts in light of the respective criteria.

Furthermore, the examination should take into account **potential grounds negating the individual responsibility**, such as lack of mental capacity to comprehend and/or control one's conduct (e.g. due to age, mental disease or defect, involuntary intoxication), duress (e.g. in the context of forced recruitment), self-defence or defence of others (or property, in the case of war crimes), superior orders in specific circumstances (see [Article 33 of the Rome Statute](#)) ⁽⁵¹⁾, etc.

Depending on national practice, the analysis may further proceed to take into account whether the possible exclusion of the applicant would meet the purposes of the exclusion clauses. Elements, such as the fact that an applicant has already served a sentence for the (otherwise) excludable act, or that the act is subject to an amnesty, could potentially be taken into account. The more egregious the excludable acts, the less relevant such aspects would be when taking the decision.



For further horizontal guidance on exclusion, see the [EUAA Practical Guide: Exclusion](#).

For general guidance on the application of the exclusion ground 'serious (non political) crime', see the [EUAA Practical Guide on Exclusion for Serious \(Non-Political\) Crimes](#).



Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

6.1. Relevant circumstances

Last updated: January 2021

*Minor updates added: June 2022

In the context of Iraq, various circumstances may require consideration of the potential applicability of exclusion grounds. The Qualification Directive does not set a time limit for the application of the grounds for exclusion. Applicants may be excluded in relation to events occurring in the recent and more distant past, such as during the regime under Saddam Hussein (1968-2003).

In the context of Iraq, the need to examine possible exclusion issues may arise, for example, in cases of applicants under the following profiles. The list is non-exhaustive:

- Members of the Baath regime, such as by Baath party members of a certain rank or level, intelligence services, members of the military, judicial and administrative institutions

⁽⁵¹⁾ Rome Statute of the International Criminal Court, Article 33.



- Insurgent and/or extremist groups (e.g. ISIL, Al-Qaeda)
- Members of ISF and Peshmerga, intelligence services (e.g. *Asayish*) and other security actors
- Members of PMF
- Members of PKK
- Members of Sahwa, a local counterinsurgency movement that cooperated with the US to expel al-Qaeda in Iraq
- Individuals involved in tribal feuds
- etc.

Crimes committed by Iraqi applicants outside of Iraq (e.g. participation in ISIL's international activities, participation in the activities of Iraqi militia in the conflict in Syria), could also lead to exclusion considerations.



The examples mentioned in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

6.1.1. Crimes committed in the context of the conflict with ISIL (2014 – ongoing)

In a report from 2015, the UN Human Rights Council found that **ISIL's** targeted violence against civilians and minorities in particular may constitute war crimes, crimes against humanity and possibly genocide [[Targeting 2019](#), Context]. Regarding the Yazidis, the UN's Independent International Commission of Inquiry on the Syrian Arab Republic, made it clear, that ISIL has committed the crime of genocide, as well as multiple crimes against humanity and war crimes [[Targeting 2019](#), 2.2.4]. Since 2014, the Yazidis have been severely persecuted by ISIL. Between 2 000 and 5 500 Yazidis were killed by ISIL. More than 6 000 were abducted in August 2014, including 3 500 women and girls, who were subsequently sold or offered as sex slaves to ISIL members. The almost 3 000 men and boys in captivity were enrolled as fighters. As of August 2020, an estimated 3 000 Yazidis are still missing or thought to be in captivity. Other minorities (e.g. Christians) faced numerous abuses by ISIL, including kidnapping, rape, enslavement, forced marriage and sexual violence [[Targeting 2019](#), 2.2.3, 2.2.4; see also [2.15. Religious and ethnic minorities, and stateless persons](#)].

In areas under their control, ISIL committed widespread, systematic violations and abuses against civilians. These acts include executions, targeted killings and enforced disappearances of religious, community and political leaders [[Targeting 2019](#), 2.2.1].



In November 2018, the UN announced that more than 200 mass graves had been discovered allegedly resulting mainly from atrocities perpetrated by ISIL between 2014 and 2017; the graves are believed to contain the remains of thousands of civilians, including women, children, elderly and disabled, as well as members of the ISF [[Security 2019](#), 1.4.2.2].

ISIL continues to carry out targeted attacks against civilians and asymmetric attacks across Iraq [[Targeting 2019](#), 2.1; [Security 2020](#), 1.2.5].

Although most abuses in the 2014 - 2017 period were committed by ISIL, elements of the **PMF**, especially Shia militias, but also the **ISF**, were accused of committing serious human rights abuses in the course of the fighting against ISIL. Security actors have been engaged in unlawful and extra-judicial killings, torturing during arrest, forced disappearances and abductions of civilians, child recruitment, evictions and extortion of civilians, destruction of property and revenge attacks [[Targeting 2019](#), 1.1.1, 1.1.2, 1.2.2, 3.8.1].

PMF and ISF are primarily targeting perceived ISIL affiliates who are often Sunni Arabs. After October 2017, there were reports on PMF human rights violations against the Kurdish population in the disputed territories, especially in Kirkuk and Tuz Khurmatu [[Targeting 2019](#), 1.1.2; [Security 2019](#), 1.4.1.2, 2.4].

The battle against ISIL has also afforded **KRG forces** the latitude to carry out serious abuses under the guise of fighting terrorism. There have been retaliatory attacks by Kurdish security forces and associated armed groups, against Sunni Arab civilians and property following the recapturing of the disputed areas, including Kirkuk, from ISIL. Since 2014, units of the KRG have carried out mass destruction of civilian property in these areas [[Targeting 2019](#), 1.2.3].

The Kurdish security actors are targeting primarily political and societal opponents as well as perceived ISIL affiliates, who are often Sunni Arabs [[Targeting 2019](#), 1.1.3, 1.2.3]. There have been reports of *Asayish* forces torturing perceived ISIL affiliates in order to extract confessions [[Targeting 2019](#), 1.2].

6.1.2. Crimes committed after the fall of the regime of Saddam Hussein (2003 – ongoing)

In the context of the invasion of Iraq (2003) and the conflict between the ISF, the Multi-National-Forces, militias and insurgent groups (especially Al-Qaeda) - including the sectarian conflict (2006 - 2007), the following have been reported:

- Arbitrary arrest, incommunicado detention, torture, disappearances and summary or extrajudicial executions of civilians, reportedly committed by parts of the ISF, and in particular the Police, Special Police Commandoes/Iraqi National Police and the Federal Police;



- Abductions, extortion and intimidation, torture, summary or extrajudicial killings and forced displacement of civilians by militias, at times in collaboration with the ISF, and insurgency groups;
- Abductions, torture, extra-judicial killings and extortion of civilians by members of the Awakening Councils;
- Forced displacement of Arab settlers in Kirkuk, as well as arbitrary arrests, abductions, incommunicado detention and torture, attributed to the Kurdish Peshmerga, security and intelligence agencies;
- Abductions, extortion, rape, murder and torture by criminal gangs, at times in cooperation with or on behalf of militias or insurgents ⁽⁵²⁾;
- Targeting of civilians with suicide bombs, car bombs, indiscriminate attacks and attacks that 'are tantamount to crimes against humanity' committed by Shia and Sunni armed groups [[Security 2019](#), Annex I].

In the context of protests, use of disproportionate violence, extra-judicial killings, kidnappings, forced disappearances and ill-treatment during detention by ISF and PMF forces were reported. Protesters are known to have also used violence in the context of the protests.

6.1.3. Crimes committed during the regime of Saddam Hussein

Saddam Hussein and the Baath party used violence, killing, torture, execution, arbitrary arrest, unlawful detention, enforced disappearance, and various forms of repression to control the population [[Targeting 2019](#), 1.1.1, 1.7].

Kurdish people were systematically persecuted. The al-Anfal military campaign against Kurdistan in Northern Iraq between 1986 and 1989 is qualified by some European countries as genocide. 182 000 Kurds were estimated to have been deported, killed, disappeared in depopulation campaigns in Kurdish areas carried out by Baath party. A particularly well known incident was when the northern Kurdish village of Halabja was gassed with poison in 1988, killing 5 000 and wounding 10 000 Iraqi Kurds suspected of disloyalty to the regime [[Security 2019](#), Annex I; [Targeting 2019](#), 1.7]. Under the former Baath regime, the Fayli Kurds also faced systematic marginalisation and targeted discrimination from the State. Estimated 300 000 Fayli Kurds were deported to Iran by the Baathist regime [[Targeting 2019](#), 3.4.12; see also the profile [2.15.9 Fayli Kurds](#)].

⁽⁵²⁾ UN High Commissioner for Refugees (UNHCR), *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April 2009, available at <https://www.refworld.org/docid/49f569cf2.html>.



Persons adhering to the Baha'i faith were particularly oppressed by the Baath party regime from the early 1970s. At that time, the UN reported that the religion was banned, Baha'i property was confiscated and members of the community ultimately faced prison or execution [[Targeting 2019](#), 3.4.9; see also the profile [2.15.7 Baha'i](#)].

After the first Gulf War, in the south, up to 200 000 Shia Marsh Arabs were killed between March and October 1991 and the marshlands between Euphrates and Tigris were drained to eliminate the hiding places for many Shia during and after the uprising [[Security 2019](#), 1.1.1].

6.1.4. Criminal activity and other types of violence

ISIL relied extensively on criminality to fund its terrorist activities (e.g. extortion, looting, robbery, trafficking, kidnapping and smuggling). The violent conflict aggravated the vulnerability of Iraqis (especially women and children) to trafficking, forced labour, etc. ISIL is militarily defeated, but the ISIL crisis had severe impacts on the economy of Iraq; substantial parts of the country have suffered severe destruction. The organised and street-level crime appears to have increased in 2017 and criminally motivated kidnapping by ISIL, but also by Shia militias, continued to be a serious threat. Especially refugees and those IDPs who remain displaced continue to be highly vulnerable to exploitation (e.g. sex and drug trafficking) by criminal networks and gangs [[Targeting 2019](#), 3.1.2].

Although southern Iraq has largely escaped the ISIL violence, problems of criminality, drug abuse, and violence between Shia armed groups involved in militia and tribal groups, also occur there, including organised crime by militias, as well as kidnapping, extortion, and sex trafficking. Criminal gangs in Basrah have exploited the security gap and there has been a rise in robberies, kidnapping, murder, and drug trafficking [[Targeting 2019](#), 3.1.2; [KSEI 2019](#), 1.3.1; [Security 2020](#), 1.3.1].

Violence against women and children is commonly reported in Iraq, for example FGM, domestic violence, honour-based violence, forced and child marriage [[Targeting 2019](#), 3.5; see also the profile [2.16 Women](#)].

6.2. Guidance with regard to Iraq

Last updated: January 2021

6.2.1. Article 12(2)(a) QD and Article 17(1)(a) QD

It can be noted that the ground 'crime against peace' would rarely arise in asylum cases. However, it may be of relevance with regard to high-ranking officials responsible for the invasion of Kuwait.



Violations of international humanitarian law by different parties in the current and in past conflicts in Iraq could amount to war crimes, such as the use of prohibited weapons and the deliberate indiscriminate attacks on civilians, etc.

Reported crimes such as murder, torture, and rape by the different actors could amount to crimes against humanity when committed as part of a widespread and systematic attack against the civilian population. Crimes in the context of past events, such as the Al-Anfal military campaign could also trigger the consideration of exclusion in relation to ‘crimes against humanity’.

Some acts in the current conflicts, such as extrajudicial killings, torture, forced disappearance, could amount to both a war crimes and crimes against humanity.

According to COI, especially (former) members of insurgent groups (e.g. ISIL), security actors (e.g. ISF, PMF), as well as Baathists, can be implicated in acts that would qualify as war crimes and/or crimes against humanity.

Relevant situations, which should be considered in relation to this exclusion ground include, for example:

- Iraq - Iran war (1980 - 1988): international armed conflict;
- Al-Anfal military campaign (1987 - 1988);
- Invasion of Kuwait (1990 - 1991): international armed conflict; and subsequent uprising;
- Kurdish civil war (1995 - 1998): non-international armed conflict;
- Invasion of Iraq (2003): international armed conflict;
- Armed conflict between ISF and insurgent groups as from 2004: non-international armed conflict;
- Sectarian conflict/civil war (post 2003): non-international armed conflict;
- ISIL conflict (2014 - ongoing): non-international armed conflict;
- Turkey – Iraq conflict (2019 - ongoing): international armed conflict.

[[Security 2019](#), Annex I; [Security 2020](#), 1.1.3]

6.2.2. Article 12(2)(b) and Article 17(1)(b) QD

Criminal activity in Iraq is widely reported, including kidnappings, assassinations, gun smuggling, drug smuggling, human trafficking and robberies. Such serious (non-political) crimes would trigger the application of [Article 12\(2\)\(b\)/Article 17\(1\)\(b\) QD](#). Violence against women and children





(for example, in relation to FGM, domestic violence, honour-based violence, forced and child marriage) could also potentially amount to a serious (non-political) crime.

Some serious (non-political) crimes could be linked to an armed conflict (e.g. if they are committed in order to finance the activities of armed groups) or could amount to fundamentally inhumane acts committed as a part of a systematic or widespread attack against a civilian population, in which case they should instead be examined under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).

6.2.3. Article 12(2)(c) and Article 17(1)(c) QD

(Former) membership in terrorist groups such as ISIL and Al-Qaeda could trigger relevant considerations and require an examination of the applicant's activities under [Article 12\(2\)\(c\)/Article 17\(1\)\(c\) QD](#), in addition to the considerations under [Article 12\(2\)\(b\)/Article 17\(1\)\(b\) QD](#). The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant's activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.

Where the available information indicates possible involvement in crimes against peace, war crimes or crimes against humanity, the assessment would need to be made in light of the exclusion grounds under [Article 12\(2\)\(a\)/Article 17\(1\)\(a\) QD](#).





Annex I. Abbreviations and glossary

AQ-I	Al-Qaeda in Iraq
<i>Asayish</i>	Intelligence services of the KRG
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEAS	Common European Asylum System
CJEU	Court of Justice of the European Union
COI	Country of origin information
EASO	European Asylum Support Office
EUAA	European Union Agency for Asylum
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), as amended by Protocols Nos. 11 and 14, 4 November 1950
ECtHR	European Court of Human Rights
EU	European Union
<i>fasliya</i>	A traditional practice, whereby family members, including women and children, are traded to settle tribal disputes
FGM/C	female genital mutilation/cutting
ID	identification documentation
IDP(s)	Internally displaced person(s)
IED	improvised explosive device



IILHR	Institute for International Law and Human Rights
INSO	International NGO Safety Organisation
IOM	International Organization for Migration
IPA	international protection alternative
ISF	Iraqi Security Forces
ISIL	The Islamic State of Iraq and the Levant, also known as the Islamic State of Iraq and Syria (ISIS), the Islamic State, or Daesh
ISIS	The Islamic State of Iraq and Syria; see also ISIL.
<i>jizya</i>	A tax to be paid by Abrahamic non-Muslims, such as Christians and Jews. Imposed by ISIL in areas it controlled.
KDP	Kurdistan Democratic Party
KRG	Kurdistan Regional Government
KRI	Kurdistan Region of Iraq – refers to Dohuk, Erbil, Sulaymaniyah governorates
LGBTIQ	LGBTIQ people are people: <ul style="list-style-type: none">▪ who are attracted to others of their own gender (lesbian, gay) or any gender (bisexual);▪ whose gender identity and/or expression does not correspond to the sex they were assigned at birth (trans, non-binary);▪ who are born with sex characteristics that do not fit the typical definition of male or female (intersex); and▪ whose identity does not fit into a binary classification of sexuality and/or gender (queer).
<i>mukhtar</i>	local community leader
NGO	non-governmental organisation





PDS	Public Distribution System
Peshmerga	Military forces of the Kurdistan Region of Iraq
PKK	Kurdistan Worker's Party
PMF	Popular Mobilisation Forces
PMU	Popular Mobilisation Units, also called Popular Mobilisation Forces, or al-Hashd al Shaabi
PUK	Patriotic Union of Kurdistan
QD (Qualification Directive)	Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted
Sharia	The religious law of Islam, Islamic canonical law
SGBV	Sexual and Gender Based Violence
Takfiri or Takfir	An Arabic word meaning 'unbeliever'; Extremist Islamist ideology employed by ISIL to declare individuals as apostates or impure, used against those who do not pledge allegiance.
TM	Tribal Mobilisation (militias)
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs





UNRWA	The United Nations Relief and Works Agency for Palestine Refugees in the Near East
<i>urf</i>	Tribal customary law; also known as <i>aadat</i> or <i>al-qada al-asha'iri</i>
US	United States of America
USDOS	United States Department of State
VBIED	Vehicle-borne improvised explosive device





Annex II. Country of origin information references

The main COI sources used in the common analysis are the following EUAA reports (listed alphabetically by reference used in the text).

Actors of protection

Country of Origin Information Report: Iraq, Actors of protection (November 2018)

Available at:

https://coi.euaa.europa.eu/administration/easo/PLib/Iraq_Actors_of_Protection_2018.pdf

COI query on Palestinians in Iraq

Country of origin Information: Iraq, Palestinians in Iraq (August 2021)

Available at:

https://coi.euaa.europa.eu/administration/easo/PLib/2021_08_Q21_EASO_COI_Query_Response_IRAQ_PALESTINIANS.pdf

COI query on atheism and conversion in the KRI

Country of Origin Information Query: Iraq, Information on the prevalence of atheism in the Kurdistan Region of Iraq (KRI)

(March 2019)

Available at:

https://coi.euaa.europa.eu/administration/easo/PLib/IRQ_7.pdf

COI query on Christians

Country of Origin Information Query: Security context and treatment of Christians

(October 2020)

Available at:

https://coi.euaa.europa.eu/administration/easo/PLib/2020_10_Q21_EASO_COI_Query_Response_Iraq_Christians.pdf

COI query on FGM

Country of Origin Information Query: Iraq, Information on the prevalence of Female Genital Mutilation (FGM) in Iraq, including the Kurdistan Region of Iraq

(March 2019)

Available at:

https://coi.euaa.europa.eu/administration/easo/PLib/IRQ_8.pdf

COI query on minorities and stateless

Country of Origin Information Query: Ethno-religious minorities and stateless persons (January 2019 – August 2020)

(September 2020)

Available at:

https://coi.euaa.europa.eu/administration/easo/PLib/2020_10_Q23_EASO_COI_Query_Response_Iraq_Ethnoreligious_minorities_and_stateless_persons.pdf

COI query on Sabean-Mandaean

Country of Origin Information Query: Treatment of Sabean-Mandaean minority in Iraq

(October 2020)

Available at:

https://coi.euaa.europa.eu/administration/easo/PLib/2020_10_Q26_EASO_COI_Query_Response_Iraq_Treatment_of_the_Sabean_Mandaean_minority.pdf

COI query on Yazidis

Country of Origin Information Query: Security context and treatment of Yazidis in Iraq

(September 2020)

Available at:

https://coi.euaa.europa.eu/administration/easo/PLib/2020_09_Q22_EASO_COI_Query_Response_Iraq_Yazidis.pdf

KSEI 2021

Country of Origin Information Report: Key socio-economic indicators for Baghdad, Basra and Sulaymaniyah

(November 2021)

Available at:

https://coi.euaa.europa.eu/administration/easo/PLib/2021_11_EASO_COI_Report_Iraq_Key_socioeconomic_indicators_for_Baghdad_Basrah_and_Sulaymaniyah.pdf



- KSEI 2020** Country of Origin Information Report: Key socio-economic indicators for Baghdad, Basra and Erbil
(September 2020)
Available at:
https://coi.euaa.europa.eu/administration/easo/PLib/2020_09_EASO_COI_Report_Iraq_Key_socio_economic_indicators_Baghdad_Basra_Erbil.pdf
- KSEI 2019** Country of Origin Information Report: Iraq, Key socio-economic indicators
(February 2019)
Available at:
https://coi.euaa.europa.eu/administration/easo/PLib/Iraq_key_socio-economic_indicators.pdf
- Perceived ISIL affiliates** Country of Origin Information Report: Treatment of Iraqis with perceived affiliation to ISIL
(October 2020)
Available at:
https://coi.euaa.europa.eu/administration/easo/PLib/10_2020_EASO_COI_Report_Iraq_Treatment_Iraqis_affiliation_ISIL.pdf
- Protesters** Country of Origin Information Report: The protest movement and treatment of protesters and activists
(October 2020)
Available at:
https://coi.euaa.europa.eu/administration/easo/PLib/10_2020_EASO_COI_Report_Iraq_The_protest_movement_and_treatment_of_protesters.pdf
- Security 2022** EUAA Country of Origin Information Report: Iraq, Security situation
(February 2022)
Available at:
https://coi.euaa.europa.eu/administration/easo/PLib/2022_02_EUAA_COI_Report_Iraq_Security_situation.pdf





**Security
2020**

Country of Origin Information Report: Iraq, Security situation
(October 2020)

Available at:

https://coi.euaa.europa.eu/administration/easo/PLib/10_2020_EASO_COI_Report_Iraq_Security_situation.pdf

Security 2019

Country of Origin Information Report: Iraq, Security situation
(March 2019)

Available at:

https://coi.euaa.europa.eu/administration/easo/PLib/Iraq_security_situation.pdf

**Targeting
2022**

EUAA Country of Origin Information Report: Iraq - Targeting of individuals
(January 2022)

Available at:

https://coi.euaa.europa.eu/administration/easo/PLib/2022_01_EUAA_COI_Report_Iraq_Targeting_of_individuals.pdf

**Targeting
2019**

Country of Origin Information Report: Iraq, Targeting of individuals
(March 2019)

Available at:

https://coi.euaa.europa.eu/administration/easo/PLib/Iraq_targeting_of_individuals.pdf





Annex III. Relevant case law

Case law referenced in the common analysis

Actors of persecution or serious harm

- CJEU, [Mohamed M'Bodj v État belge, C-542/13, judgment of 18 December 2014](#)

(M'Bodj)

Reasons for persecution - religion

- CJEU, [Bundesrepublik Deutschland v Y and Z, Joined Cases C-71/11 and C-99/11, judgment of 5 September 2012](#)

(Y and Z)

Reasons for persecution – membership of a particular social group

- CJEU, [Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel, Joined Cases C-199/12 to C-201/12 judgment of 7 November 2013](#)

(X, Y and Z)

Article 15(b) QD

- CJEU, [MP v Secretary of State for the Home Department, C-353/16, judgment of 24 April 2018](#)

(MP)

- CJEU, *M'Bodj*

Article 15(c) QD

- CJEU, [CF and DN v Bundesrepublik Deutschland, C-901/19, judgment of 10 June 2021](#)

(CF and DN)

- CJEU, [Aboubacar Diakité v Commissaire général aux réfugiés et aux apatrides, C-285/12, judgment of 30 January 2014](#)

(Diakité)

- CJEU, [Elgafaji v Staatssecretaris van Justitie, C-465/07, judgment of 17 February 2009](#)

(*Elgafaji*)

- ECtHR, [Sufi and Elmi v United Kingdom, Applications nos. 8319/07 and 11449/07, judgment of 28 June 2011](#)

(*Sufi and Elmi*)

Internal protection alternative

- CJEU, *X, Y and Z*
- CJEU, *Y and Z*
- ECtHR, [A.A.M. v Sweden, Application no. 68519/10, judgment of 3 April 2014](#)

(*A.A.M v Sweden*)

- *Sufi and Elmi*

For additional information on relevant case law see:

EUAA Practical guides

Available at: <https://euaa.europa.eu/practical-tools-and-guides>

- EUAA Practical Guide: Qualification for international protection
- EUAA Practical Guide: Exclusion
- EUAA Guidance on membership of a particular social group
- EUAA Practical guide on the application of the internal protection alternative
- EUAA Practical Guide on Exclusion for Serious (Non-Political) Crimes

Judicial analyses

Available at: <https://euaa.europa.eu/courts-and-tribunals>

- Judicial analysis 'Qualification for International Protection (Directive 2011/95/EU)'
- Judicial analysis 'Article 15(c) Qualification Directive (2011/95/EU)'
- Judicial analysis 'Exclusion: Articles 12 and 17 Qualification Directive (2011/95/EU)'

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