



REPUBLIC OF TÜRKİYE

ALTINBAŞ UNIVERSITY

Institute of Graduate Studies

Political Science and International Relations

**EXPLORING BARRIERS TO WOMEN AND
CHILDREN ACCESSING CIVIL
DOCUMENTATION AND CITIZENSHIP IN
POST-ISIS IRAQ**

Wahab Marir Sabbar SABBAR

Master's Thesis

Supervisor

Asst. Prof. Dr. Duygu ERSOY

İstanbul, 2023

**EXPLORING BARRIERS TO WOMEN AND CHILDREN ACCESSING
CIVIL DOCUMENTATION AND CITIZENSHIP IN POST-ISIS IRAQ**

Wahab Marir Sabbar SABBAR

Political Science and International Relations

Master's Thesis

ALTINBAŞ UNIVERSITY

2023

The thesis titled EXPLORING BARRIERS TO WOMEN AND CHILDREN ACCESSING CIVIL DOCUMENTATION AND CITIZENSHIP IN POST-ISIS IRAQ prepared by WAHAB MARIR SABBAR SABBAR and submitted on 26/12/2023 has been **accepted unanimously** for the degree of Master of Science in Political Science and International Relations.

Asst. Prof. Dr. Duygu ERSOY

Supervisor

Thesis Defense Committee Members:

Asst. Prof. Dr. Duygu ERSOY

Department of International
Relations,

Altınbaş University

Prof. Dr. Jülide KARAKOÇ BAKIŞ

Department of International
Relations,

Altınbaş University

Asst. Prof. Dr. Aşlı Telseren
ÖMEROĞLU

Department of Sociology,
Doğuş University

I hereby declare that this thesis meets all format and submission requirements of a Master's thesis.

Submission date of the thesis to Institute of Graduate Studies: __/__/__

I hereby declare that all information and data presented in this graduation project has been obtained in full accordance with academic rules and ethical conduct. I also declare all unoriginal materials and conclusions have been cited in the text and all references mentioned in the Reference List have been cited in the text, and vice versa as required by the abovementioned rules and conduct.

Wahab Marir Sabbar SABBAR

Signature

ABSTRACT

EXPLORING BARRIERS TO WOMEN AND CHILDREN ACCESSING CIVIL DOCUMENTATION AND CITIZENSHIP IN POST-ISIS IRAQ

SABAR, Wahab Marir Sabbar,

M.Sc., Political Science and International Relations, Altınbaş University,

Supervisor: Asst. Prof. Dr. Duygu ERSOY

Date: 12/2023

Pages: 73

This study examines the accessibility of civil documentation and fundamental human rights for Internally Displaced Persons (IDPs), Families with Perceived Affiliation to ISIS (FPAs), and children of Yazidi survivor women (former ISIS captives). The primary focus is on women and children in the context of displacement in Iraq, especially in the aftermath of the 2014 ISIS crisis. The study aims to understand how perceived affiliation with ISIS hinders IDP women and their children from accessing civil documentation and public services. The examination is conducted within the framework of both international and national laws, using the concept of ‘intersectionality’. Through this concept, the study highlights the unique challenges experienced by women and children with perceived affiliation to ISIS as well as Yazidi survivor women, and their children. The study argues that imbricated barriers such as community rejection, fear of retaliation, financial constraints, and security concerns due to the perceived affiliation to terrorist groups create a complex web of obstacles for displaced FPA women to access civil documentation for themselves and citizenship for their children. Furthermore, the study argues that gender intersects with religion, contributing to unique forms of disadvantages and violence against Yazidi survivor women.

The lack of documentation impedes these individuals' ability to prove their identity and enjoy basic rights such as freedom of movement, birth registration and education, healthcare, and the establishment of legal rights to their property. Moreover, it exposes children to the risk of statelessness. Overall, the study reveals that the discriminatory practices against women and these children, all of which hinder access to essential civil documentation, expose them to further marginalization, discrimination, and exclusion from society.

Keywords: Civil Documentation, ISIS, Families with Perceived Affiliation to ISIS (FPAs), Intersectionality, Gender, Internally Displaced Persons.



TABLE OF CONTENTS

	<u>Pages</u>
ABSTRACT	v
LIST OF FIGURES.....	x
ABBREVIATIONS.....	xi
1. INTRODUCTION	1
1.1 STUDY BACKGROUND	1
1.2 PURPOSE OF THE STUDY	3
1.3 SCOP OF THE STUDY.....	3
1.4 METHODOLOGY	4
1.5 THEORETICAL FRAMEWORK	4
2. DISPLACEMENT DYNAMICS AND CHALLENGES IN POST-ISIS IRAQ	8
2.1 RISE AND FALL OF ISIS	8
2.2 DEFINITIONS	10
2.2.1 IDPs.....	10
2.2.2 FPAs.....	11
2.2.3 Female-Headed Households.....	11
2.3 INTERNAL DISPLACEMENT DURING ISIS CRISIS	11
2.4 THE CONDITION OF IDPS AND FPAS IN IRAQ.....	12
3. THE PATH TOWARDS CORE CIVIL DOCUMENTS IN IRAQ.....	15
3.1 BIRTH REGISTRATION.....	15
3.1.1 Birth Registration in International Law	16

3.1.2 Birth Registration in National Law	16
3.1.3 Birth Registration For FPA Children	17
3.1.4 DNA Testing and The Proof of Patrilineage	18
3.1.5 Protection Risks and Operational Challenges of DNA Testing	19
3.1.6 Birth Registration for Children of Yazidi Survivors	20
3.2 NATIONAL IDENTITY CARD (NIC)	24
3.3 CIVIL STATUS ID	26
3.4 IRAQI NATIONALITY CERTIFICATE	27
3.5 PUBLIC DISTRIBUTION SYSTEM (PDS) CARD	29
3.6 RESIDENCE CARD	30
4. PUBLIC SERVICES AND BARRIERS FACED BY FPAS AND IDPS DUE TO THE ABSENCE OF CD	35
4.1 FREEDOM OF MOVEMENT	35
4.1.1 International Law	35
4.1.2 National Law	36
4.1.3 The Situation in Iraq	37
4.2 HOUSING AND GOVERNMENT COMPENSATION SCHEME	38
4.2.1 International Law	38
4.2.2 National Law	39
4.2.3 The Situation in Iraq	40
4.3 HEALTHCARE	42
4.3.1 International Law	42

4.3.2 National Law	43
4.3.3 The Situation in Iraq.....	44
4.4 EDUCATION	46
4.4.1 International Law	46
4.4.2 National Law	47
4.2.3 The Situation in Iraq.....	47
5. CONCLUSION	50
REFERENCES	53

LIST OF FIGURES

	<u>Pages</u>
Figure 4.1: National Identity Card (NIC)	24
Figure 4.2: Civil Status ID.....	26
Figure 4.3: Iraqi Nationality Certificate	27
Figure 4.4: Public Distribution System PDS Card	29
Figure 4.5: Residence Card	30



ABBREVIATIONS

CD	:	Civil Documentation
FPAs	:	Families with Perceived Affiliation to ISIS
IDPs	:	Internally Displaced Persons
GBV	:	Gender-Based Violence
NIC	:	National Identity Card
GoI	:	Government of Iraq
AoO	:	Area of Origin
UN	:	United Nations
IOM	:	International Organization for Migration
UNHCR	:	United Nations High Commissioner for Refugees
UNICEF	:	United Nations International Children's Emergency Fund
IRC	:	International Rescue Committee
NRC	:	Norwegian Refugee Council

1. INTRODUCTION

1.1 STUDY BACKGROUND

The inaccessibility of individuals to civil documentation (CD) and public services is a pressing yet intangible issue that demands recognition and immediate attention due to its profound impact on human rights, equality, economic development, social inclusion, public health, legal obligations, and overall societal well-being. Of utmost concern within this issue is the lack of identity documents.

Possessing an official document validating an individual's identity holds fundamental significance, enabling citizens to access their rights, benefits, and services. In the contemporary landscape, a legitimate identity carries growing importance for anyone engaging with the public sector and broader society. Legal identity encompasses a range of factors that collectively empower an individual to access their rights and benefits and understand their obligations (*Harbitz & Tamargo, 2009, p. 2*).

In the context of displacement, internally displaced persons (IDPs) face numerous challenges, especially regarding legal identity and CD. The absence of proper CD has a significant impact on individuals' lives and their interactions within society. Without valid personal CD, IDPs are often denied opportunities and possibilities to exercise civil and social rights, such as the right to healthcare, education, mobility, employment, voting, and obtaining legal protection.

Additionally, inadequate CD increases an individual's vulnerability to exploitation, trafficking, and arbitrary detention. Consequently, undocumented IDPs find themselves marginalized and at risk of statelessness, with unclear legal status. They suffer from exacerbated vulnerability and have uncertain prospects for a better future (*Tull, 2019, p. 3*).

The issues of insufficient access to CD strongly affect children. Millions of children worldwide, particularly those from IDP backgrounds, experience a lack of CD which represents fundamental violations of children's rights and can have severe and long-lasting implications on their lives. Many challenges arise when it comes to providing undocumented children with legal protection and nationality, an issue that requires more attention from

governments and international organizations to protect the rights of all children (*Boyden & Hart, 2007, p. 238*).

In Iraq, the lack of Civil Documentation (CD) is one of the primary protection issues faced by displaced women and children from families with perceived affiliation to ISIS (FPAs), specifically those who have familial connections to ISIS, as well as those believed by Iraqi authorities to have had contact with the terrorist group (*UNDP, 2022, p. 9-10*). This issue directly contributes to the marginalization of these women and heightens the risk of statelessness for their children. In this context, tens of thousands of families have at least one member who lacks identity documentation, increasing their vulnerability to protection-related risks and challenges (*International Crisis Group, 2020, p. 5*).

Numerous social identity factors, especially concerning IDP women, can intersect, hindering their access to human rights (*Freccero et al., 2019, p. 690, 703*). The absence of CD exacerbates their susceptibility to exploitation and abuse, especially when they come from families associated with groups like ISIS. This often leads to suspicions and mistrust, resulting in barriers to accessing essential public services and protection.

This study aims to investigate the ability to obtain CD in Iraq within the context of displacement and the aftermath of ISIS conflict, especially by women and children from FPAs as well as children of Yazidi survivors. It examines how gender intersects with the status of perceived affiliation to ISIS and religion, affecting access to CD and accordingly basic public services by FPA women, birth registration and citizenship by FPA children and Yazidi survivors' children in conflict-affected areas.

The study is organized into four chapters, beginning with an introduction, background, purpose of the study, scope of the study, methodology, and theoretical framework in the first chapter.

The second chapter explores the rise and fall of ISIS, defines terms such as IDPs, FPAs, female-headed households. Additionally, it provides a historical overview of displacement in Iraq and describes the conditions of IDPs and FPAs in the country.

The third chapter explains the core CDs in Iraq and the legal pathways to obtain each type of them. This chapter will pay special attention to the discriminatory practices against

women hindering their ability to pass citizenship to their children, focusing on birth registration of FPA children, as well as children born from Yazidi women as a result of sexual violence committed by ISIS fighters. International and national legal frameworks regulating access to birth registration and CD will be discussed, as well as previous studies and research conducted by scholars and UN agencies focusing on birth registration, all of which will be analyzed through the lens of the intersectionality concept.

The fourth chapter describes the main challenges faced by IDPs, particularly FPA women in accessing basic rights and public services due to their insufficient access to CD. These challenges include barriers related to freedom of movement, inability to benefit from the government compensation scheme for damaged properties and housing affected by conflict, difficulty gaining access to education for their undocumented children, especially primary school-aged children, and difficulty gaining access to healthcare.

1.2 PURPOSE OF THE STUDY

This study aims to conduct a comprehensive analysis to establish a connection between existing literature on documentation and displacement within the broader human rights framework, incorporating both international and national laws. Furthermore, the research argues that displaced women from FPAs and Yazidi survivor women, face a complex web of intersecting barriers that impede their access to birth registration and citizenship for their children. Additionally, the FPA women encounter additional challenges in accessing civil documentation (CD) and public services. The intersection of gender with the status of affiliation to ISIS and religion, combined with displacement collectively compounds the discriminatory practices and challenges faced by these marginalized groups in Iraq. Recognizing and addressing these intersecting factors is of paramount importance in gaining a deeper understanding of the intricate dynamics that hinder their access to basic human rights.

1.3 SCOPE OF THE STUDY

This study is a secondary analysis of the previous studies and reports conducted by UN agencies and other humanitarian organizations including International Organization for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR), United Nations Development Program (UNDP), United Nations International Children's

Emergency Fund (UNICEF), Norwegian Refugee Council (NRC), International Rescue Committee (IRC) as well as the international and national laws that regulate the right to CD and citizenship from a theoretical perspective centering around the theory of the “intersectionality” suggested by Kimberlé Crenshaw (1991) which constitutes the main contribution of this paper.

The study investigates how factors such as perceived affiliation to ISIS and religion intersect with gender, creating law discriminatory practices, dire economic conditions, community rejection, and fear of retaliation impacting access to CD for women and children from FPAs and children to Yazidi survivors in Iraq.

1.4 RESEARCH METHODOLOGY

This research employs a distinctive approach integrating the theory of intersectionality, a relatively unexplored dimension in the context of CD access, to examine how factors like perceived affiliations to terrorist groups such as ISIS, and religion intersect with gender and compound the challenges faced by these vulnerable groups in the context of displacement and how the Iraqi national laws deal with this issue. This study conducts a secondary analysis of existing sources and previous research conducted by UN agencies, including IOM, UNDP, UNHCR, UNICEF, NRC, IRC. It aims to offer a holistic and informed analysis of the multifaceted issues surrounding the CD and citizenship access in conflict-affected areas in Iraq by displaced FPA women and their children, along with Yazidi survivors’ children. This analysis is conducted through the lenses of the intersectionality theory, setting this research apart from earlier studies that often-addressed challenges related to access to CD and citizenship in isolation.

1.5 THEORETICAL FRAMEWORK

Within the specific context of displacement in Iraq, this study closely examines the legal avenues represented by international and national law for obtaining essential CD, and the primary barriers faced by displaced FPAs due to the absence of such documentation. The focus is mainly on the interconnected challenges encountered by FPA women and, consequently, their children along with children of Yazidi survivors (former ISIS captives). This study is conducted utilizing the feminist theory of “intersectionality”, introduced by Kimberle Crenshaw (1991), highlighting the intersection dynamics of race and sex, creating

unique experiences in the lives of African-American women (*Crenshaw, 1991, p. 1468-1471*). This concept, widely used in the social sciences, emphasizes the importance of simultaneous consideration of race, ethnicity, class, and other categories in interpreting and analyzing gender-based discrimination (*Atewologun, 2018, p. 20*). The concept specifically highlights gender as a social relation and explanatory factor, recognizing the intricate interplay with class, race/ethnicity, and sexuality constructions. This integrated perspective enriches our understanding of social dynamics and complexities within legal contexts (*Davies & True, 2015, p. 8*).

The interplay of various identities in an intersectional framework can significantly impact the extent of discrimination, racism, sexism, violence, and other forms of bias. For example, black women may face inferior treatment not only compared to white women but also in relation to black men. Additionally, several other identity factors, including age, life stage, sexual orientation, ethnicity, socioeconomic class, religious beliefs, family background, geographic location, and profession, can shape an individual's experience of discrimination (*Chen, 2017, p. 5-6*). In this sense, intersectionality has gained prominence in the field of humanitarian work and organizational studies, particularly as a distinct framework for examining individuals' roles and experiences within occupational hierarchies influenced by gender and ethnicity (*Bradely & Healy, 2010, p. 400*).

Although the origins of intersectionality theory can be traced back to the United States, it is essential to acknowledge that its application extends beyond that, embracing a wide range of identity factors that contribute to the reinforcement of marginalization (*Al-Fahman et al, 2019, p. 4*).

For instance, in conflict zones, the intersection of gender and religious identity could compound the challenges faced by women, potentially intensifying GBV and may play a significant role in the use of rape as a weapon of war. Moreover, affiliation with extremist groups could also intersect with gender, affecting the lives of women and men differently. For example, women associated with the “subversive group Sendero Luminoso (Peruvian communist party)” faced gender-based violence perpetrated by the state army and police due to suspicions of collaboration with the group during wartime. Conversely, men associated with the same group faced other types of violence such as torture and forced disappearance.

From this perspective, the distinct gender roles assumed by men and women shape their roles in the conflict, leading to divergent consequences for each gender (*Tantalean Castaneda, 2019, p. 10, 27*). Within the context of forced migration and displacement, gender can intersect with the other social identity factors mentioned above such as race, class, ethnicity, sexual orientation resulting in unique and often compounded challenges and vulnerabilities to refugee and displaced women. In this sense, immigration and displacement status can be identified as an additional category within the framework of intersectionality, subjecting undocumented women to double marginalization (*Erez et al, 2009, p. 37*). For example, the existing gender inequality exacerbates disparities in economic and educational opportunities, and displacement further magnifies these issues. A report on urban poverty in Bosnia and Herzegovina shows that most IDPs struggle with economic vulnerability attributed to the relocation of individuals to an unfamiliar environment, resulting in the loss of pre-war social networks. The unique circumstances surrounding their displacement have thus contributed to a heightened risk of poverty (*Oruc, 2015, p. 49*).

This is to say, the experiences of refugee and IDP women are shaped by the convergence of these factors, resulting in distinct challenges that require nuanced and context-specific interventions. The intersectionality theory thus emphasizes the importance of considering the interplay of these factors in developing strategies and policies to protect the rights and well-being of women in forced migration and displacement scenarios. This intersection could be represented by gender-based violence (GBV), sexual exploitation and trafficking, economic and educational opportunities can be limited for refugee and IDP women than men due to the existing gender inequality. In addition, displacement can affect access to reproductive health services and maternal health care, with potential implications for women's health (*Gozdziak, 2018, p 18*). By adopting an intersectional lens, practitioners can move beyond one-dimensional approaches and address the intricate layers of vulnerability that women in these situations navigate (*Sarkin & Morais, 2022, p. 8*).

Through the perspective of intersectionality, this study tries to analyse and explain the specific challenges faced by displaced FPAs regarding their access to CD and public services. It also sheds light on the sexual abuse perpetrated by ISIS against women from the Yazidi religious minority population resulting in children rejected by the Yazidi community and left without birth registration and citizenship. In this sense, the study argues that factors

including religion, perceived affiliation to ISIS, displacement, legal discriminatory practices, and financial burdens, significantly contribute to the deprivation of displaced families with perceived affiliation to ISIS (FPA), especially women and their children as well as children to Yazidi survivors from accessing CD and citizenship.



2. DISPLACEMENT DYNAMICS AND CHALLENGES IN POST-ISIS IRAQ

Within the intricate fabric of post-ISIS Iraq, this chapter embarks on a comprehensive exploration of displacement dynamics, with a particular focus on internally displaced persons (IDPs), families with perceived affiliations to ISIS (FPAs), and female-headed households (FHHs). The narrative navigates through the multifaceted challenges faced by these groups, weaving together the complexities arising from the rise and fall of ISIS and the subsequent repercussions on the Iraqi population. From the chronology of displacement to the nuanced conditions experienced by IDPs and FPAs, the chapter sheds light on the intricate aftermath of ISIS rule, emphasizing the critical issue of the lack of civil documentation.

2.1 RISE AND FALL OF ISIS

Iraqi society has been subjected to several crimes perpetrated by the so-called Islamic State in Iraq and the Sham (ISIS), particularly during their reign of terror following their expansion in 2014, when they captured large areas of Iraqi territory. ISIS militants and their affiliates performed numerous atrocities including war crimes, crimes against humanity, and genocide against members of diverse religious minorities such as Yazidis.

The aftermath of ISIS control revealed a grim reality with the discovery of over 200 mass graves in areas formerly governed by the extremist group. These graves, containing the remains of thousands of men, women, and children, serve as stark evidence of the profound human tragedy inflicted by ISIS. Moreover, thousands of individuals, including women, men, and children, were abducted, their fate remaining unknown to this day (*Abad Castelos, 2021, p. 3*).

The Islamic State of Iraq and Syria (ISIS) emerged as an extremist militant organization, originating from al Qaeda organization in Iraq, established by Abu Musab al Zarqawi in 2004. Following Zarqawi's assassination by the US and Iraqi security forces in 2006, Abu Ayyoub al-Masri, an Egyptian, assumed leadership, advocating for the establishment of the Islamic State of Iraq (ISI) (*Gulmohamad, 2014, p. 1, 5*). ISI later evolved through a merger with the original Al-Qaeda, the Mujahedeen Shura Council in Iraq, and Jund al-Sahhaba. In

2010, Abu-Baker al-Baghdadi, an Iraqi, declared Diyala in Iraq as ISI's headquarters (*TRAC, 2014, p. 1*).

After the death of Masri who was killed by US and Iraqi forces in 2010, *Abu-Baker al-Baghdadi*, was announced as the new leader, rebranding the organization as the Islamic State of Iraq and Sham (ISIS) in April 2013. In an audio message, al-Baghdadi declared the inclusion of *Jabhat al-Nusra*, an extremist group in Syria connected to *al-Qaida*, as part of ISIS (*Joscelyn, 2013, p. 1*).

One crucial factor that facilitated the resurgence of ISIS in Iraq was the political landscape and governance marked by government corruption. Prime Minister Nouri al-Maliki's administration faced criticism for marginalizing and discriminating against Sunni communities, leading to heightened sectarian tensions and fostering a breeding ground for resentment and discontent (*Mansour, 2017, p. 12*).

Capitalizing on widespread anger, particularly in predominantly Sunni regions such as Anbar and Mosul, against the central authorities in Baghdad, ISIS thrived post the US withdrawal in 2011, escalating terrorist attacks within Iraq (*Parker, 2014, p. 1*). The group's leadership and primary membership comprised Sunni Arabs from Iraq and Syria (*Luna & Zaltan, 2015, p. 367*).

Furthermore, the broader regional context, including the civil war in Syria, provided an opportunity for ISIS to establish a stronghold across the border. The power vacuum, combined with an influx of foreign fighters and weapons, facilitated the group's resurgence. The intricate interplay of political, sectarian, and regional dynamics significantly contributed to the organization's ability to resurface and gain strength in Iraq (*ibid*).

In June 2014, ISIS launched a coordinated offensive, capturing significant portions of Iraqi governorates. On June 29, 2014, Abu Bakr al Baghdadi declared the establishment of a self-proclaimed caliphate extending from Aleppo in Syria to Diyala in Iraq (*Kavalek, 2015, p. 16*). ISIS goal appeared to be expanding beyond the borders of Iraq territories to other countries, as of March 2015, it held dominion over regions inhabited by approximately 10 million individuals in Iraq and Syria. Additionally, through alliances with local factions, it exerted influence over limited territories in Libya, Nigeria, and Afghanistan. The group's reach extends to various parts of the globe, including North Africa and South Asia, where it

either operates directly or has affiliations with like-minded entities (*Mossallanejad, 2016, p. 3*).

ISIS, with significant financial resources, derived funding from illicit black-market activities, criminal operations within Iraq, including theft, abductions, extortions, and involvement in arms and drug trade. Gaining control over areas in Syria enabled them to seize oil fields and engage in the sale of illicitly obtained oil (*Petersen, 2014, p 6*).

Ground conflicts between the Iraqi forces, backed by the international coalition led by the United States, which provided air support for the Iraqi troops, and ISIS ensued. The Iraq state security apparatus including the Counter-Terrorisms Services, the Federal Police, the state Army, and the Public Mobilization Forces all together under the command of the prime minister, launched its first battle against ISIS in Tikrit and Jurf Al-Sahar in Babil in October 2014, retaking Tikrit and Jurf Al-Sahar in early 2015 (*Mansour, 2017, p. 23-24*).

In late 2015, a large attack against ISIS in Anbar and Mosul, alongside a US backed Kurdish armed groups in Syria launched an offensive in Raqqa in Syria led to the liberation of territories. By November 2017, the ISIS caliphate had lost nearly 95 percent of its territories, including Mosul and Raqqa. On December 9, 2017, Iraqi Prime Minister Haider al Abadi declared a decisive victory over ISIS within Iraq (*Lafta et al, 2018, p. 2*).

2.2 DEFINITIONS

This section aims to provide a comprehensive understanding of the primary categories of individuals impacted by the ISIS conflict in Iraq, particularly those grappling with the challenges of lacking civil documentation and facing barriers to accessing public services.

2.2.1 IDPs

Internally displaced persons (IDPs) are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border” (*UNHCR,n.d, p. 1*). They remain under their state’s sovereignty because they do not cross their states ’borders (*Sabie et al, 2019. P. 1*)

2.2.2 FPA

Families with suspected Affiliation to ISIS, as perceived by Iraqi authorities. This includes those believed to have had contact with the terrorist organization, including combatants; public servants who served in administrative and service roles during the ISIS occupation, regardless of formal affiliation with the group; and Iraqis with familial links to ISIS, whether through blood relations or marriage, extending up to the fourth degree (*UNDP, 2022, p. 9-10*).

Individuals who resided in areas controlled by ISIS for prolonged durations are often labeled as "collaborators," irrespective of their actual membership or support for ISIS. Families who managed to escape the occupation sometimes harbor resentment toward those who did not, accusing them of having affiliations with ISIS. This accusation is far from innocuous, as individuals suspected of collaboration and those perceived to have connections with ISIS frequently face social and economic ostracization, along with the risk of violent reprisals (*UNDP, 2022, p. 29*). However, this study specifically focuses on those who have familial links to ISIS, especially women whose husbands are suspected of being ISIS affiliates by Iraqi authorities.

2.2.3 Female Headed-Households

Prior to the occupation by ISIS Iraq had already grappled with the challenging circumstances of female-headed households (FHHs), with estimates ranging from 1 to 3 million. This situation had been a consequence of decades of conflict and violence that had taken its toll on the social fabric of the country (*ICRC, 2009, p. 1*). However, the defeat of ISIS in 2017 did not bring immediate relief to these women; instead, the number of FHHs and widows tragically increased. Approximately 10 percent of households in Iraq are now under the leadership of women (*Al-Nashmi, 2021, p. 1*).

2.3 INTERNAL DISPLACEMENT DURING ISIS-CRISIS

Iraq has experienced a major internal displacement crisis. Prior to 2014, Iraq had one of the largest internally displaced populations in the world, especially since the sectarian violence of 2006 (*Reach, 2014, p. 7*). However, the conflict of 2014, when ISIS gained control over a significant portion of Iraq's territory, has led to further displacement waves, posing a grave

threat to regional stability and security. Millions of Iraqis were forced to flee their homes. The impact was particularly felt in the Sunni Arab governorates such as Ninewa, Anbar and Salah Din. Ethnically and religiously mixed governorates like Kirkuk and Diyala were also impacted as ISIS had partial control over certain districts in them. (*Gulmohamed, 2014, p. 4*).

The rise of ISIS led to widespread turmoil and displacement, affecting the population residing in these governorates. The scale of the displacement was substantial, with a staggering number of families being uprooted. In 2014-2015, the number of IDPs reached 6 million individuals scattered across 2,002 different locations. While most IDPs originated from Anbar governorate before June 2014, the security collapse in the country led to a shift, with a larger proportion of IDPs coming from Ninewa, Salah Din, Kirkuk, and Diyala governorates (*IOM, 2021, p. 5*).

As of April 2023, around 4,835,784 individuals have returned to their places of origin. While the majority of those who fled ISIS have returned, approximately 1,157,115 individuals remain unable to do so. Various factors contribute to this, such as insufficient services and employment opportunities in their home regions, safety apprehensions, property damage, and movement restrictions imposed by security forces (*IOM, 2023, P. 1*).

2.4 THE CONDITION OF IDPS AND FPAS IN IRAQ

In Iraq, the lack of CD is one of the primary protection issues faced by both IDPs and FPAs, hindering their return to areas of origin (AoO) and their access to basic services, social protection, and reintegration (*International Crisis Group, 2020, p. 5*).

The scale of this issue is alarming, with over one million Iraqis missing at least one core civil document, more than 500,000 lacking at least two basic civil papers, and an additional 250,000 lacking at least three or more core legal documents (*UNHCR, 2021, p. 1*).

This insufficient access to documentation has severe long-term implications for children, with approximately 45,000 Iraqi children living in displacement camps lacking official birth certificates or any other legal documents to prove their identity. This deprivation can restrict their access to education, healthcare, and social welfare benefits.

The reasons for this lack of documents are varied, complicated, and similar for both IDP-FPAs and IDPs who are not from FPAs. Many CDs were lost or damaged during the war against ISIS, while others were confiscated by ISIS or the Iraqi security forces who suspected them of ISIS affiliation. As a result, when these families fled from ISIS-controlled areas to government-controlled ones, they often could not bring their CDs with them. During their reign of terror, ISIS issued thousands of CDs replacing those issued by the Iraqi government. However, these ISIS-issued documents are not recognized by the government of Iraq (GoI), creating a significant challenge for those who possess them (*NRC, 2019, p. 3*).

Furthermore, many administrative and bureaucratic barriers still stand in the path of IDPs, returnees, and FPAs issuing or renewing CDs. A survey conducted by Iraq Durable Solutions found that, 35% of key informants, mainly in governorates affected by conflict and displacement such as Anbar, Salah Din, and Ninewa, reported that access to CD at Civil Affairs Directorates is challenging, describing the process as lengthy, costly, and complex. Additionally, the possession of one document can be the key element to obtaining another one. For example, a child cannot obtain a Civil Status ID without a valid birth certificate. Similarly, to obtain a National Unified Identity Card, a person must submit their Iraqi Nationality Certificate to the directorate, leaving individuals without one or two of these documents unable to apply for the other ones (*Iraq Durable Solutions, 2021, p. 29*).

In addition, IDPs and displaced FPAs often face challenges when trying to return to their AoO. This is particularly true for FPA families, who are often unwelcome in their communities due to their perceived affiliation with terrorist groups, and they fear retaliation acts, difficulties, and arrests at government security checkpoints. Moreover, their dire financial situations present another barrier to their ability to move and travel freely, with expenses such as transportation, attorney fees, transaction fees, and other costs payable to the state treasury by courts and civil status offices (*UNDP, 2022, p. 16, 21*).

Moreover, FPAs frequently encounter community rejection when attempting to return, regardless of the status of their ISIS-affiliated family members (whether they are alive, deceased, or missing). Despite intensive efforts by GoI and international organizations to facilitate the return and societal reintegration of these families, an estimated 250,000 individuals from families with perceived affiliations to ISIS remain unable to return.

Communal rejection is the primary barrier faced by FPAs, with some also hindered from returning due to the destruction of homes and infrastructure (*ibid*).

Consequently, the combination of obstacles, including community unacceptance, apprehension of reprisals, financial limitations, and security anxieties stemming from perceived ties to ISIS, forms a intricate network of challenges for FPAs, especially women, obstructing their access to crucial CD. This hinders their capacity to secure their identity and avail themselves of fundamental rights such as freedom of movement, birth registration, and educational opportunities for their children, as well as access to healthcare and housing ownership rights. The absence of proper documentation further exposes them to increased marginalization, discrimination, and societal exclusion.



3. THE PATH TOWARDS CORE CIVIL DOCUMENTS IN IRAQ

In the intricate tapestry of post-conflict Iraq, this chapter serves as a critical exploration into the challenges encountered by a specific cohort of women—those from FPA and former ISIS captives, particularly Yazidi women, regarding access to CD and birth registration for their children. Within the confines of international and national legal frameworks, we explore the practical implications within Iraq, meticulously unraveling the complexities shaped by regulations, societal norms, and religion (for the Yazidis). This narrative is not merely a legal exploration; it is an intimate examination of how these factors interweave, becoming formidable barriers obstructing these women from securing CD and birth registration for their children.

As we delve into the heart of the matter, the lens widens to encompass various types of essential civil documents and the intricate application processes. This chapter becomes a beacon, highlighting the shadows cast by intersecting challenges that entangle these vulnerable populations. Financial constraints, security clearances, and the weight of perceived affiliations to ISIS groups emerge as formidable hurdles, casting a stark light on the gender discrimination deeply ingrained within these systems.

3.1 BIRTH REGISTRATION

Birth registration is the government's official record of a child's birth. It is the process through which the competent government authority records a child's birth in a civil record. This process gives the child the first official status and is often essential for the child to get a birth certificate. The name of the baby, the names of their parents, the name of the attending healthcare practitioner, and the date and location of birth are normally included in a child's birth record (*Todres, 2003, p. 32*).

Birth registration in the civil registry establishes a child's legal existence and creates the basis for proving status, including citizenship, and protecting civil, political, economic, social, and cultural rights. That means that birth registration is the gateway document to accessing other CDs that a person needs in their life. This is why it is critical that every child be registered at birth (*Plan International Geneva, n.d, p. 9-10*).

3.1.1 Birth Registration in International Law

The International Covenant on Civil and political rights ICCPR, article 24, includes specific protection for birth registration, it stipulates:

- a. Every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
- b. Every child shall be registered immediately after birth and shall have a name.
- c. Every child has the right to acquire a nationality (*ICCPR, 1966, p. 179*).

Furthermore, the Convention on the Rights of the Child CRC which is the primary international instrument concerning the rights of children and has a universal ratification in Article 7 ensures the right to birth registration and other rights accessed by birth registration; it stipulates that “the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and as far as possible, the right to know and to be cared for by his or her parents” (*UN Human Rights Office of the High Commissioner, 1989, p. 3*). Iraq adopted the Convention but has not fully implemented it. Many children are deprived of official documents due to missing, dead or ISIS affiliation parent/s, which is in violation of this Convention.

3.1.2 Birth Registration in National Law

In Iraq, the right to birth registration is enshrined in various bodies of law, the most notable one is the Iraqi Constitution for 2005 which protects the right to birth registration in Article 18 that stipulates:

- a. Iraqi Citizenship is a right for every Iraqi and considered the basis for his nationality.
- b. Anyone who is born to an Iraqi father or to an Iraqi mother shall be considered an Iraqi.
This shall be regulated by law (*Constitution of Iraq, 2005, p. 6*).

In addition, the birth registration is reaffirmed by The Iraqi Nationality Law No. 26 for 2006, article 3 that stipulates: a person shall be considered an Iraqi if:

- a. He\ she is born to an Iraqi father or to an Iraqi mother.

- b. He\ she is born in Iraq to unknown parents. A foundling found in Iraq shall, in the absence of proof of the contrary, be considered to have been born therein (*Iraqi Nationality Law, 2006, p. 1*).

Under the Iraqi Birth and Death Registration Act no. 148 of 1971, a birth registration must be done within 15 calendar days in case of hospital birth, and within 30 days in case of an outside-of-hospital birth. However, parents must obtain and submit the following in order to be able to register their newborn:

- a. Get a birth certificate or *Beyan Wilada* in Arabic, from the hospital where the child was born, or from a certified nurse or a physician if the child was born elsewhere.
- b. The birth certificate to be submitted to the Health Department for approval and registration in the birth registry.

If the family could not obtain the birth certificate within the identified timeframe, they must go through a specific procedure through the Personal Status Court to obtain a court-issued birth certificate (*Hijat Wilada*), (*UNHCR Iraq, n.d, p. 9*).

3.1.3 Birth Registration For FPA Children

Access to birth registration for FPA children is a complex and challenging issue due to the fact that many parents are missing or have unknown fates (no information about their whereabouts), (*IOM, 2022, p. 4*). Although the existence of this right is well established in international and national law, how It should be accessed by FPA children is less clear. Whereas lineage is a relationship between a child and the parents, citizenship is the relationship between an individual and the state. According to the Personal Status Law, the citizenship is conditioned on a documented family lineage, which in most cases is interpreted as the patrilineage (the lineage of the father's family). Documenting the patrilineage of a child is the first step to registering birth and to having citizenship subsequently. In this way, mothers are not equal to fathers in passing citizenship. Impeding women to pass citizenship is in contradiction with the 2005 Iraqi Constitution, which states that "Iraqis have equal access to pass citizenship, irrespective of gender" (*Standford University, 2013, p. 13*).

In this context, the intersection of gender with societal norms and legal practices becomes conspicuously apparent. highlighting the preferential treatment associated with patriarchal

culture where attributes traditionally associated with men are valued (*Wildman, 1996, p. 72*). The insistence on documenting patrilineage not only creates a gender discrepancy in power dynamics between mothers and fathers regarding citizenship transmission but also highlights broader issues of gender status inequality. This restriction on women's ability to pass citizenship is rooted in historical and cultural norms, highlighting the enduring dominance of men over women in societal structures (*Lorber, 1994, P. 15*).

However, this gender discrimination practice makes the proof of lineage and birth registration for FPA children much more complicated compared to non-FPAs, as explained in the next section of DNA testing.

3.1.4 DNA Testing and The Proof of Patrilineage

Paternity tests are a widely used form of DNA testing that is primarily employed to ascertain the biological relationship between individuals. This type of testing involves the comparison of the DNA of a child with that of the alleged father to determine the likelihood of the latter being the biological father of the child (*Omar et al, 2012, p. 412*).

In Iraq, DNA testing is not a legal requirement to obtain a Birth Certificate; it is at the judge's discretion to use scientific means in the elicitation of legal evidence¹ (*Iraqi Evidence law, 1979, p. 3*).

However, for FPA children, DNA testing has become a prevailing approach and a commonplace method when it comes to patrilineage establishment particularly after 2014 (*NRC et al, 2022, p. 19*).

The Iraqi Federal Cassation Court made a decision in 2021 that has caused concern amongst many, as it has ceased the processes for proving lineage for children whose fathers are ISIS affiliates with an unknown fate. This decision was made despite families undergoing DNA testing for the child and his relatives from the father's side, such as brothers or uncles (*ibid*). Essentially, the 2021 decision requires a DNA sample to be taken from the missing or deceased father, which is impossible in many cases. Consequently, thousands of children have been left facing the risk of statelessness. However, it is worth noting that many Iraqi

Judicial officials have stated that the Federal Cassation Court's decision is specific to one case and cannot be applied to all similar cases, even if they share similar details. In cases where DNA testing for the child and his father's relatives is conducted, it is still possible to prove the lineage of ISIS's fighter's children. Nonetheless, it is clear that this decision has sparked significant debate and raises important questions about how the rights of these children can be protected (*IOM, 2022, p. 5*).

However, this decision was discontinued in March 2022, when the country's courts started to mandate DNA testing to be performed on the child and at least three male relatives from the father's side in order to issue paternity proof of lineage for undocumented children of FPAs (*Al-Hiwar Al-Mutamaddin, 2023, p. 1*).

3.1.5 Protection Risks and Operational Challenges of DNA Testing

While DNA samples may provide concrete evidence of paternity, it presents several protection risks and challenges for FPA families and their children. First and foremost, DNA testing is an expensive process, the cost of it is 250,000 IQD per person, which IDPs can hardly afford; additionally, the DNA samples can only be processed in Baghdad, necessitating IDPs to travel from areas of displacement to Baghdad, sometimes without possessing documents, thereby subjecting them to the risk of arrest or detention at security checkpoints en route.

There are additional risks concerning the female-headed households and the use of DNA test to establish lineage. within an intersectional approach to gender-based violence (*Yurdakul & Korteweg, 2013, p. 212*). it's crucial to recognize that in contexts like Iraq, where adultery is penalized, women/wives may face significant physical and psychological risks if the DNA test results fail to establish the lineage of their children to their missing husbands (*IOM, 2022, p. 3*). In such instances, this violence may escalate into honor killings, a manifestation of gender intersectionality that involves violent reactions to perceived breaches of a family's honor. This type of gendered violence is influenced by societal perceptions, where the dissemination of information about alleged transgressions leads to severe consequences. The intersection of gender with societal expectations contributes to the distressing reality of honor-related violence (*Korteweg, 2012, p. 37*). This situation further exemplifies the vulnerabilities faced by women, who, as the heads of their households, bear the burden of

providing for and protecting their families. The intersectionality of gender, legal implications, and the use of DNA test and its consequences highlights the complex challenges women in these contexts encounter in their pursuit of justice and protection for their children.

Consequently, DNA test should only be taken as a last resort for the best interest of the child where there is no other option to prove the family relationships (*UNHCR, 2008, p. 2-3*).

The requirement for DNA testing underscores the need for a more comprehensive and empathetic approach to addressing the needs of these vulnerable women. It is important to note that the aforementioned procedures specifically apply to FPA children with both Iraqi parents. However, when the father is a non-Iraqi ISIS member, registering the child becomes impossible, and DNA testing is not a viable option (*NRC et al, 2022, p. 19*).

All these intersecting challenges and uncertainties faced by FPA women and their children, which encompass issues like gender-based discrimination including inequality of women to men in passing citizenship to their children, perceived ties to ISIS, and displacement status, create a complex picture of vulnerability and marginalization for FPA women in accessing birth registration and CD for their children compared to non-FPA women. It also highlights the intricacies surrounding them and reveal the inadequacy of relying solely on DNA testing to establish lineage. While DNA testing may be useful in specific cases, it cannot serve as the exclusive method, especially when circumstances are multifaceted.

The absence of a clear and consistent application for legal framework raises pressing concerns about the risk of statelessness and the potential exclusion of these children from essential services, such as education and healthcare. It is imperative that genuine reforms take place to ensure that all children, regardless of their parentage, can enjoy their inherent human rights and access vital services without discrimination or impediment.

3.1.6 Birth Registration For Children of Yazidi Survivors

When ISIS armed groups took over the Ninewa governorate in 2014, they mercilessly assaulted Yazidi communities (an ethnoreligious minority in the Ninewa plains of Iraq), particularly in Sinjar. The attack resulted in the loss of thousands of lives, with an estimated

6,386 individuals, including men, women, and children, being taken captive. As a result, the entire population was forced to flee their homeland (*Foster et al., 2018, p. 4*).

ISIS militants murdered men and boys above the age of 12, abducted boys under the age of 12, converted them to Islam, and groomed them to be soldiers. Women and young girls were taken from their families enslaved, brutalized and subjected to repeated sexual violence by ISIS fighters (*Cheterian, 2021, p. 5*).

Intersectional oppression is evident in this context, where perpetrators committing acts of sexual violence specifically target women whose gender intersects with minority status. This minority status may be rooted in factors such as ethnicity, religion, or political affiliation (*Korac, 1996, p. 23*). ISIS terrorists intentionally targeted Yazidi victims based on the intersection between their religious and gender identities. Specifically, these terrorists view women from religious minority backgrounds as especially vulnerable to sexual assault, sex trafficking, and torture, recognizing the profound psychological impact such attacks can have on both the victims and their communities (*Sommers, 2020, p. 512-513*).

ISIS openly acknowledges the vulnerable positions of religious minorities and women within their sharia-based society. Both these groups experience widespread persecution and are relegated to second-class human. In fact, they have even proudly publicized their inhumane treatment of Yazidi women (*Hassen, 2016, p. 16*).

This sexual violence resulted in children born to Yazidi mothers and Muslim ISIS fighter fathers. However (*Cheterian, 2021, p. 2*), these children are at risk of statelessness, remaining unregistered and without CD.

Acceptance of these children by the Yazidi community is challenging due to religious traditions that forbid marriage and religious conversion outside the Yazidi community. Traditionally, sexual relations between Yazidi women and non-Yazidis were prohibited, leading to the woman's exile from the community. Additionally, Yazidi religious doctrine mandates that both parents must be Yazidi for a child to be recognized as such. However, the atrocities committed by ISIS have prompted a reevaluation, with Yazidi women who were captive recognized as victims rather than wrongdoers. The community has welcomed

these women back, but the same cannot be said for the children born to Yazidi women and ISIS fighters, despite their innocence (*Gill, 2019, p. 18-19*).

As a result, helpless Yazidi mothers face the difficult choice of staying with their children or giving them up to be accepted back into their communities (*SEED, 2020, p. 4-5*).

A survivor expresses her concerns, stating, "I'm very worried about my family and their attitude if I were to return to my area with a child, I gave birth to from my enemy." She was compelled to leave her daughter in Raqqa, a Syrian city. "It is impossible for a mother to abandon her child, even if she gave birth to them from her enemy" (*Hayder et al, 2022, p. 671*). Tragically, this woman's situation, along with her child, mirrors the experiences of thousands of Yazidi victims of sexual slavery and systematic rape based on their religious identity intersecting with their gender. The children born to these Yazidi women as a result of these horrific circumstances, are separated by ISIS fighters without any legal documentation or recognition (*ibid, p. 673*).

Captives freed from ISIS, including children, face intersecting complex procedures to obtain the required CD. While Iraqi constitution allows women to pass on citizenship to their offspring, same practical challenges for FPA women and their children arise here. Birth registration cannot be obtained without proving paternal lineage and possessing the father's documents (*Dickson, 2019, p. 1010*).

According to article 28 (1) of the Civil Status Regulation no. 32 for 1974, mothers unable to meet these requirements could declare their children as "*Majhul Alnasab*" i.e., children with unknown fathers; however, this is an uneasy choice for Yazidi women who are former ISIS captives, as it is a choice laden with stigma for both mothers and their children. In addition, "*Majhul Alnasab*" children would be registered as Iraqi Muslims in accordance with the National Unified Card law no.3 for 2016, which in turn isolates them further from Yazidi-majority communities. Consequently, even in exceptional cases where a Yazidi woman agrees to such registration, the child is banned from the Yazidi community because they are Muslims rather than Yazidis (*SEED, 2020, p. 12*).

Furthermore, minors in Iraq, have no right to change their religion, as clearly indicated in the reservation of Iraq in article 14, paragraph 1, of the CRC treaty regarding the child's

freedom of religion, “allowing a child to change his or her religion runs encounter to the provisions of the Islamic Shariah”. However, labeling the child according to the perpetrator’s religion could lead to family rejection, re-traumatization, ostracism, and other sufferings (*Sammarraie, 2023, p. 11*). Here, Yazidi women face an additional layer of intersectionality, but this time it is imposed by their communities based on their children’s religion.

A specialized court was established to track the lineage of these children through DNA testing. However, only a small number of mothers decide to keep their children who were conceived as a result of sexual violence, as they would be registered as Muslims thus facing rejection from the Yazidi community. New legislation is needed, especially for children born to Yazidi survivors, as there are no legal provisions clarifying the status of single mothers (*UNICEF, 2020, p. 1*).

In 2021, GoI enacted a notable legislation known as the Yazidi Survivors Law, aimed at granting reparations to Yazidis and individuals from other ethnicities who suffered atrocities at the hands of ISIS. Regrettably, this legislation fails to address explicit measures for the children of Yazidi women born as a result of ISIS sexual violence, placing them at a heightened risk of statelessness (*Amnesty International, 2021, p. 1*).

The interplay of legal, communal, and religious factors intensifies the challenges faced by Yazidi women and their children. Even with DNA testing, their inability to access birth registration and community acceptance under Iraqi law places them in a legal limbo, devoid of recognized identity and legal status. This denial of legal recognition jeopardizes their basic human rights within society, emphasizing the urgency of tailored solutions and legal reforms to secure birth registration. This denial of legal recognition contradicts international and national laws, which underscore the fundamental importance of birth registration in enabling these children and their mothers to reintegrate into their communities and access essential services. The complex circumstances surrounding Yazidi women and their children born in these conditions emphasize the ongoing struggles they face, highlighting the need for solutions that address their intersecting challenges.

3.2. NATIONAL IDENTITY CARD (NIC)

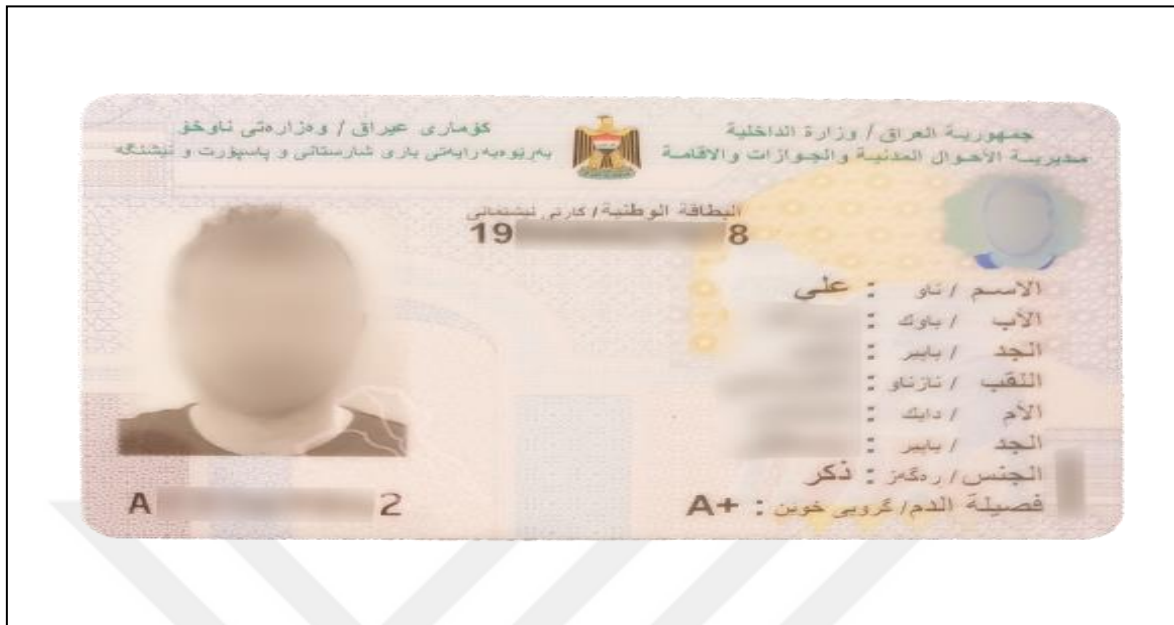


Figure 4.1: National Identity Card (NIC).

National Identity Card (NIC) or National Unified Card is the replacement for the Iraqi Nationality Certificate, Civil Status ID, and Residency Card. It has been launched in Iraq in 2019, and it is regulated by the National Card Law No.3 for 2016. The law establishes the legal framework for the issuance, renewal, and cancellation of the NIC as well as the rights of citizens in relation to this type of civil document. The law aims to organize the civil status records in the civil affairs offices across the country by establishing a comprehensive database system containing the information of the Iraqi Nationality document, civil status ID, and residency card. This is achieved by allocating one introductory special number to each Iraqi citizen with another number to each family (*National Card Law, 2016, p. 10*).

The NIC must include the following information:

- i. Personal name
- ii. Personal photo
- iii. Name of father and grandfather
- iv. Surname

- v. Name of mother and maternal grandfather
- vi. Date of issuance
- vii. Gender
- viii. Name of issuer
- ix. Signature of the issuer
- x. Date of birth in digits and letters
- xi. Place of birth

In order to obtain a National Card, people have to apply through an online website belonging to the Ministry of Interior and book an appointment with the Civil Affairs Directorate in their respective governorate or district. An application form must be accessed and filled out online by the applicant and then submitted along with a copy of the Iraqi Nationality certificate, Residency Card, and Public Distribution System (PDS). To register the biometric information, people have to pay the application fees which could reach 50,000 Iraqi Dinars (IQD) per family, in addition to transportation and documents copying cost. (*Canada: Immigration and Refugee Board of Canada, 2017, p. 1*). The applicant must be security cleared, as the department checks the applicant's name to make sure that s/he is not on the government's wanted list and not involved in any terrorist acts. Then the biometric data is sent to the Ministry of Interior in Baghdad where the central databases exist to doublecheck the security status of the applicant with the national security database (*National Protection Cluster, 2021, p. 5*).

3.3 CIVIL STATUS ID



Figure 4.2: Civil Status ID.

Under the general supervision of the Ministry of Interior, civil Status ID—in Arabic *Hawwiyat Al-Ahwal Al-Madaniye*—is a document issued by the Civil Status Affairs Directorate in the district where a person is registered, and it is based on the civil status record of their family. Although this ID has been replaced by the NIC, it is still functional for those who do not have NIC yet, and in areas where the NIC offices are not available yet. The NIC has not yet been issued to all Iraqis, but the work is still ongoing to cover all of Iraq.

Obtaining this ID involves similar steps to those for the NIC, with a few exceptions regarding online registration. However, the high cost and security checks are also existing (UNHCR, 2021, p. 2).

3.4 IRAQI NATIONALITY CERTIFICATE



Figure 4.3: Iraqi Nationality Certificate.

The Iraqi Nationality Certificate, known as *Shahadat Al-Jinsiye Al-Iraqiya*, is a booklet-style document featuring a black cover and includes a personal photograph of the holder. It holds significant importance as one of the primary CDs in Iraq, serving as concrete evidence of an individual's Iraqi citizenship. Possessing this certificate is crucial for accessing essential public services and basic rights in the country. Moreover, it is a prerequisite for obtaining other vital documents such as the NIC\ civil status ID, and passports. Without the Iraqi Nationality Certificate, the issuance of these documents becomes very difficult (EASO, 2021, p. 6).

The responsibility of issuing the nationality certificate lies with the General Directorate of Civil Affairs, operating under the Ministry of Interior. This governmental body ensures the

proper administration and processing of the nationality certificate applications, renewals, and replacements (*Saieh & Petersohn, 2019, p. 8*).

To obtain, renew, or replace the Nationality Certificate, certain documents must be available as follows:

- i. A valid original Nationality Certificate of the applicant's father or brother, along with a copy, as proof of lineage and familial connection.
- ii. An original National Identity Card or Civil Status ID of the applicant, accompanied by a copy, to establish the individual's personal identity.
- iii. An original residence card for the applicant or their father, along with a copy, to verify the legal address of the applicant.
- iv. An original Ration Card for the applicant or their father, accompanied by a copy, as an additional form of identification and reference for essential services.
- v. Four passport-sized photos with a white background, which will be affixed to the Nationality Certificate, providing a visual identification of the holder.

By fulfilling these requirements and following the necessary procedures, including the security check, and payment of the application fees-similar to the NIC and civil status ID, which is 50,000 IQD- applicants must go through, individuals can obtain, renew, or replace their Iraqi Nationality Certificate, thereby ensuring their recognition as Iraqi citizens and enabling access to a range of rights and services provided by the state (*Canada: Immigration and Refugee Board of Canada, 2013, p. 1*).

3.5 PUBLIC DISTRIBUTION SYSTEM (PDS) CARD

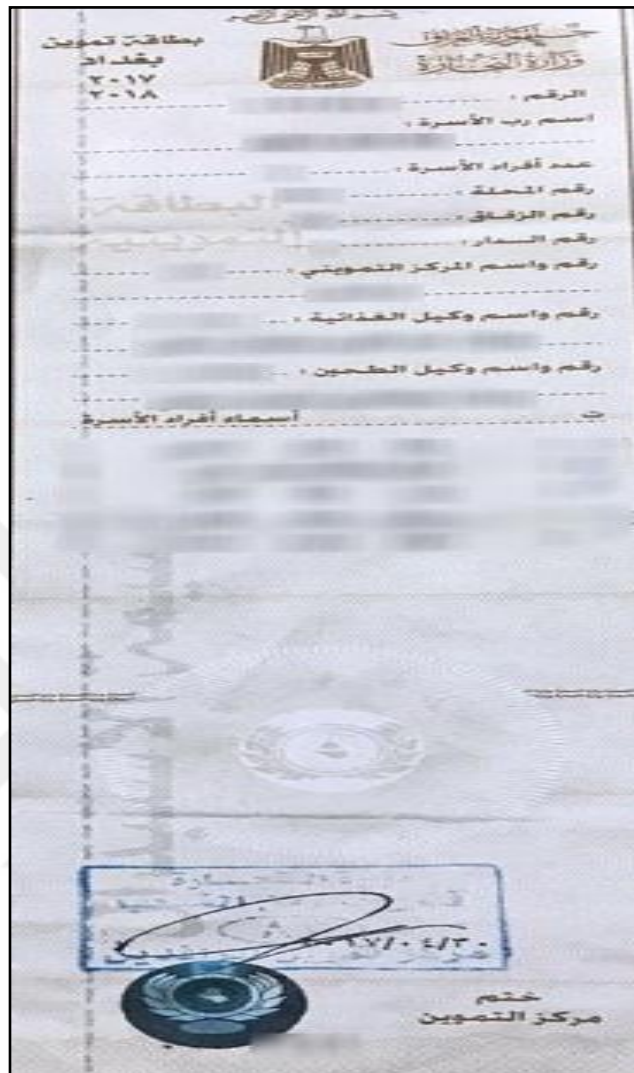


Figure 4.4: Public Distribution System PDS Card.

The Public Distribution System (PDS) is a social program administered by the Ministry of Trade in Iraq. Its primary objective is to distribute essential food items to eligible citizens on a monthly basis, which necessitates individuals having a PDS or Ration Card. This card serves as a fundamental civil document in Iraq and can be obtained by submitting a National ID card and a residency card. It is issued in the name of the head of the family and includes the names of all other family members (*Protection Cluster Iraq, 2021, p. 12*).

PDS was introduced in the 1990s as part of Iraq's "oil-for-food" deal with the UN, when sanctions were imposed after Iraq's invasion of Kuwait. It was implemented in 1991 to help

Iraqis survive the international embargo. The card reportedly gives the recipient access to monthly food rations of essential items, such as flour, rice, sugar, cooking oil and baby milk (*Immigration and Refugee Board of Canada, 2013*). These commodities are provided at subsidized prices depending on the family size. People who are registered in the PDS system in Iraq reached 33 million individuals in 2016 with the exclusion of those who have high income (*International Monetary Fund, 2017, p. 5*).

However, it is crucial to highlight that access to the PDS remains a formidable challenge for displaced FPAs especially female-headed households who are already grappling with poverty and the absence of essential documentation. In addition to the security check, obtaining a PDS card necessitates the submission of both the NIC and a residency card. However, all of these requirements cost money including application and transportation fees (*NRC et al, 2022, p. 12*).

3.6 RESIDENCE CARD



Figure 4.5: Residence Card.

The residence or housing card holds significant importance as a crucial document issued by the Ministry of Interior necessary for official government procedures. It serves as an official record designating the family's place of residence and is exclusively issued in the name of the head of households (*Simaet Bhatha, n.d, p. 1*).

To acquire a residence card, in addition to the security check, specific documents are required, including a recent personal photo of the head of the family, the previous residence card, and the original and a copy of the PDS card. Additionally, both the original and a copy of the NIC or civil status ID for both the head of the family and other family members are necessary, along with the original and a copy of the Nationality certificate for the head of the household. A supporting letter for residence issued by the local authority is also a crucial part of the documentation process (*ibid*).

However, the overarching challenges regarding access to NIC, Civil ID, Nationality certificate, PDS, and Residence card, represented by the expensive cost of obtaining these documents which is approximately (50,000 IQD), coupled with additional expenses for transportation and document printing, creating a significant challenge for many Iraqis, particularly female-headed households from displaced FPAs who are already struggling with financial insecurity (*Clutterbuck, 2021, p. 1-5*).

Being a displaced FPA woman further deepens the existing vulnerabilities and inequalities these women face. Given the already disadvantaged position of women in Iraq concerning economic, legal, political, and social empowerment compared to men. Displacement adds an extra layer of hardship, as cultural traditions, and clannish customs often constrain women's ability to rebuild their lives elsewhere when separated from their families, communities, and homes. These women, grappling with both displacement and the stigma of perceived affiliation to ISIS, find themselves trapped in a complex web of challenges, hindering their financial stability and overall well-being (*UNDP, 2022, p. 23*). As a result, the exacerbated poverty faced by displaced FPA women becomes a significant barrier, preventing them from affording the high costs associated with obtaining CD in Iraq.

Another challenging issue obstructing access to these documents is the requirement of security clearance. A background check or Security clearance is a prerequisite to obtaining

CD. This process aims at protecting the safety and security of Iraqi citizens and preventing terrorist attacks (*Protection Cluster Iraq, 2021, p. 7*).

Displaced FPAs often face allegations from their communities, armed groups, and security forces of being involved in terrorist activities. However, security clearance is frequently denied for them, leading to their inability to access NIC and other essential CDs (*ibid*).

One way to facilitate the granting of security clearance for people with claimed ISIS links is “*Ikhbar\ Tabria*”: “A complaint in front of an investigative judge to support future prosecution of male relatives thought to be affiliated with ISIS” (*UNIDIR, 2023, p. 22*). Once the *Ikhbar* is filed and submitted by the complainant, the court orders a warranty arrest against the relative who is accused of being an ISIS affiliate. Claimants are provided with documents testifying to their desire to witness against their relative, to enable them to obtain a security clearance (*ibid*). However, this process has many implications, the most significant one is that it imposes additional responsibilities and risks on the complainant, especially for women whose husbands are affiliated with ISIS. Seeking *Ikhbar* may exacerbate the challenges they face as testifying that an arrested or missing husband was linked to the terrorist group can increase stigma and potentially endanger the husband (*Protection Cluster Iraq, 2021, p. 8*). Doing *Ikhbar* could jeopardize a woman’s inheritance rights and other privileges under Iraqi law, especially since her ISIS affiliate husband’s properties are seized by the government. She may lose a vital network of support that may provide her with everything from personal gratification to physical protection. Moreover, relatives who feel implicated by her testimony may even threaten her with violent retaliation or the deportation of her children. All these factors compound the complexities faced by female-headed households from FPAs (*International Crisis Group, 2020, p. 10*).

Due to the difficulties and the consequences caused by *Ikhbar*, not all FPA women are willing or able to pursue it. This puts them at risk of further marginalization and impedes their ability to access essential CD and services. Humanitarian legal organizations have stated that security clearance determinations are not based on clear criteria. Depending on the circumstances, some families with apparent affiliations are denied clearance, while others are given it. This lack of transparency causes doubt for vulnerable families from FPAs, some IDPs and returnees (*Protection Cluster Iraq, 2021, p. 7*).

Such difficulties and baseless requirement for *Ikhbar* faced by FPA women could be comprehensively understood through the lens of intersectionality theory, acknowledging that individuals experience intersecting layers of social identity, such as, beliefs, societal roles, and affiliations, which contribute to unique forms of gender-based discrimination and disadvantages (Crenshaw, 2013, p. 141). Eventually, the obtention of CD for these women is influenced by the social dimensions and practices by which individuals articulate their connections with social and political community where they live (Cherubini, 2011, p. 115). This perspective reflects how affiliation with extreme groups intersects with gender, impacting women's lives in unique and complicated ways (Tantalean Castaneda, 2019, p. 10).

Apart from the security clearance, *Ikhbar*, and cost related interconnected challenges, women face additional intersecting barriers when it comes to the obtention of PDS and residence card, both are issued in the name of the head of household, and in almost all instances, this individual is a male. female heads of households who have been widowed, abandoned, or divorced by their husbands must provide additional supporting documentation when applying for PDS or residence card in their own names. This includes items such as divorce papers or the death certificate of their spouse, which is not required for male heads of households (Saieh & Potersohn, 2019, p. 15-16).

The requirement for the complementary documents distinctly illustrates the discriminatory system and legal practices that interconnect with gender, wherein women experience inequality compared to men in terms of power and rights (Wijeyesinghe & Jones, 2014, p. 11). Various aspects of identity, including gender and marital status, converge to generate compounded challenges. In this instance, the disparate treatment of female heads of households in contrast to their male counterparts showcases how gender is affected by bureaucratic processes, placing women at a disadvantage. This additional requirements imposed on women highlight an inherent inequality in the system, contributing to a broader context where women frequently encounter disparities in rights and positions of power.

Consequently, this requirement introduces an added layer of complexity to female-headed households from FPAs. Many of them are unable to obtain their husband's death or divorce certificates due to their affiliation with ISIS, emphasizing once again the barriers to

accessing CD faced by FPA women. As a result, all these challenges in obtaining CD and birth registration, creates a daunting environment for displaced FPA women and their children, and children of Yazidi survivors, subjecting them to a collective punishment by the state, despite their innocence. It also highlights the inability of current national legislation to deal with the issue of birth registration and citizenship for these children. Consequently, these challenges echo Arendt's discussion of "right to have rights" focusing on the deprivation of human rights in the absence of the state's protection. The difficulties faced by FPA women contribute to lack of access to documentation, posing a risk of statelessness for their children, and increasing their vulnerability without the safeguard of a nation-state (*Ingram, 2008, p. 401*). This emphasizes the urgent need for a more compassionate and flexible approach that can accommodate the exceptional circumstances these women find themselves in, shedding light on the intersecting challenges they encounter in accessing these essential documents.

4. PUBLIC SERVICES AND BARRIERS FACED BY FPAS AND IDPS DUE TO THE ABSENCE OF CD

The possession of valid CDs has received significant attention, particularly in the case of FPAs and IDPs, as it can impact a family's ability to access social services and engage in public life, among other fundamental rights.

The absence of CD may result in persecution by the state itself against its citizens who do not possess them. Individuals, especially FPAs and IDPs, could be partially or entirely deprived of their rights and essential public services that are typically accessible through these documents.

In the following sections, we will examine some of the most critical public services and human rights from the perspective of international and national laws. We will also delve into the intersecting challenges faced by displaced FPAs especially women in accessing these rights and hinder their ability to return and reintegrate into their society.

4.1 FREEDOM OF MOVEMENT

4.1.1 International Law

Freedom of movement is a fundamental human right clearly stipulated in International Human Rights Law. The International Covenant on Civil and Political Rights in article 12 declares that “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence” (*United Nations, 1966, p. 1*).

In addition, the 30 basic rights and freedoms set out in the Universal Declaration of Human Right (UDHR) article 13 stipulates “Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country” (*United Nations, 1949, p. 1*).

Freedom of movement is an essential personal and legal right that a person should have in order to claim other rights such as the right to vote and the right of industry and commerce, which have no value without freedom of movement.

However, this right could be a partial right; sometimes it is restricted as required within the framework of respecting the state's laws, general system protection, and other public rights (*Al-Zubaidi, 2007, p. 27*).

4.1.2 National Law

Iraq's Constitution of 2005 explicitly contributed to the recognition of the movement rights in its article 44 " Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq" and article 46 "Restricting or limiting the practice of any of the rights or liberties stipulated in this Constitution is prohibited, except by a law or on the basis of a law, and insofar as that limitation or restriction does not violate the essence of the right or freedom" (*Constitution of Iraq, 2005, p. 12*).

It is obvious that the Iraqi constitution explained the freedom of movement inside and outside the country. Likewise, the rights should not be divided, that is, the right to freedom of movement should be consistent with other rights. But it could be restricted, and this restriction is only in accordance with the law, given that the restriction does not completely deny this right.

Factors related to the restriction of freedom of movement, as recognized by international and national laws, grant governments the authority to limit individuals' movement under specific circumstances. These circumstances typically include those convicted of serious crimes or offenses subject to imprisonment. Similar restrictions can extend to individuals on probation, parole, or those released on bail. Furthermore, even witnesses may find their right to travel denied, often in the interest of public safety. Governments may, at times, prohibit entry into disaster-affected areas or locations posing threats to public health. Additionally, individuals with contagious diseases that endanger others may be subject to quarantine, further constraining their movements (*Al-Zubaidi, 2007, p. 29*).

To delve deeper into the intricacies of movement restrictions for individuals facing criminal charges, we must differentiate between those convicted and those not yet convicted. Those who have been convicted of crimes, particularly offenses punishable by imprisonment, those on parole or probation, or those implicated in any way by the law, naturally face limitations on their ability to travel, both domestically and internationally. This stems from the

constitutional mandate in Article 46, allowing the regulation of freedom of movement through applicable laws (*ibid*).

However, international and national laws do not inherently restrict the freedom of movement for individuals who have not committed crimes or violated any laws. Paradoxically, this right is constrained for internally displaced persons (IDPs) and family members of alleged ISIS affiliates (FPAs) within Iraq, sometimes even within their own hometowns or displacement camps where they reside (*IOM, 2022, p. 12-13*).

4.1.3 The Situation in Iraq

Although the freedom of movement is guaranteed by the Iraqi constitution as well as international law, many IDPs missing CD are unable to enjoy it (*Saieh, 2019, p. 17*).

Iraqi law necessitates that CDs be obtained in one's hometown, which poses a significant hurdle for IDPs especially FPAs who often cannot return to their AoO. To navigate security checkpoints and depart displacement camps, IDPs require security clearance which is often denied to families suspected of ISIS affiliations (*United Nations, 2020, p. 1*).

Numerous IDPs, particularly displaced FPAs have reported encountering challenges during their movements, especially when leaving displacement camps like the Jeddah1 camp in southern Mosul to return to their AoO or relocate elsewhere. These challenges manifest as delays and harassment by security personnels at security checkpoints due to the lack of CD or the perceived affiliation to ISIS. Even when they have documentation, their movements are curtailed. There are many cases of local security forces confiscating identity documents from displaced FPAs leaving camps as "collateral" for their return (*Saieh, 2019, p. 17*). Importantly, these movement restrictions for FPAs may persist even after their return or relocation. Security actors may take additional measures to constrain their movements based on perceived family affiliations with ISIS (*ibid*). While IDPs, in general, face movement restrictions, FPAs have a more challenging experience due to the additional restrictions imposed on their movement.

As a former IDP returned from Jeddah1 camp to her town Hamam Al-Alil in Mosul said "although I can move freely within my town, moving outside the town to visit a hospital or relatives seems difficult and restricted as every time I travel to Mosul center, I get stuck

some times for many hours at security check points because of my husband's affiliation to ISIS" (*IOM, 2022, p. 12*).

These intersecting challenges compound the already arduous circumstances faced by displaced FPA women, hindering the renewal of needed documents in their AoO, impeding their return or relocation to other places, and access to livelihood. Ultimately, this leads to the misapplication of legal frameworks governing freedom of movement, thus denying them one of their fundamental human rights.

4.2 HOUSING AND GOVERNMENT COMPENSATION SCHEME

The fact that IDPs' houses and properties are mostly destroyed or damaged makes it difficult for them to return to their original locations. In order to enable the return and reintegration of IDPs, aid and support should be offered in relation to compensation and reparation for damaged properties (*NRC et al, 2022, p. 14*).

People who have been impacted file a claim for compensation or restitution for damaged or destroyed property under both national law and international principles. As a result, impacted individuals have a right to obtain government housing, land, and property (HLP) services, such as compensation plans and restitution, without experiencing any bias or discrimination because of their race, religion, gender, political affiliation, place of origin, ethnicity, position or tribe; HLP rights are absolute, unassailable, non-negotiable, and equal (*Abultimman, 2020, p. 3*). However, IDPS in Iraq and particularly FPA women face many obstacles in obtaining reparation due to the lack of CD and the status of perceived affiliation to ISIS as will be further explored within the section of "The Situation in Iraq", below.

4.2.1 International Law

The Pinheiro Principles, endorsed by the United Nations in 2005, set robust international standards for property restitution for IDPs and refugees. They affirm the right to regain property taken unfairly, regardless of one's status as an IDP or refugee. These principles oblige a state to return a person's seized property unless doing so is genuinely impossible, in which case compensation suffices. Furthermore, they outline specific procedures to ensure accessibility to restitution for marginalized individuals who have been dispossessed. Among these procedures, the principles recommend that states presume, in certain cases, that

individuals who left their land during violent periods did so due to the violence. Lastly, these Principles extend property rights not only to landowners but also to those with various property interests in the land, including tenants (*Attansio et al, 2012, p. 16-17*).

As a complementary element to the integration process, or when the integration is not impactful or sufficient, compensation should be provided by states to refugees and IDPs whether financially or in kind to ensure that justice is restored. If compensation and restitution are combined, they may form the most suitable solution for restorative justice given that in some cases restitution seems impossible, especially when the property is completely destroyed. Even under such circumstances, the house owner still has the right for compensation and the right to rehabilitate or rebuild whenever he could (principle 21) (*Hassine & Leckie, 2015, p. 92*).

4.2.2 National Law

In line with these international principles, Iraq adopted Law no. 20 of 2009 on compensation of victims of War Operations, Military mistakes, and Terrorist Operations. The law was a significant step toward restorative justice in Iraq and securing the right of compensation for individuals affected by military operations whether they are injured, martyred, lost their jobs, or have damaged properties (*Sonmez et al, 2018, p. 36*).

Although Iraq has established the aforementioned act for compensation, the damaged properties of IDPs are still described as a key hindering element to the return process of IDPs in Iraq. Both IDPs and returnees report that the damaged property and the lack of compensation are preventing their return to their AoO or hindering their ability to rebuild their lives after return, and that there is a discrepancy and delay between requesting and obtaining compensation for damaged properties, as reported by IDPs interviewed in 2019 (*IOM, 2019, p. 5-6*).

In addition, there are many challenges identified by the United Nations-HLP Sub-Cluster in Iraq about law no. 20 of 2009 and its effectiveness on the ground; we will be referring to some of these challenges as the main hindering challenges to the compensation process:

- i. Lack of clear guidelines on the compensation filing process. In terms of the written language and jargons of the guidance of the General Secretariate of the Ministers Council,

it is obvious that this guidebook is written for judges and legal experts rather than normal citizens and claimant themselves who may apply for compensation.

- ii. The high cost of the compensation filing process to the citizens. In addition, it is a lengthy process that could take more than one year to be fully processed only as a filing.
- iii. Ambiguity among IDPs and other complaints and even among lawyers because of the inconsistency in the procedures throughout different governorates.
- iv. Lack of investigative judges working at the compensation committees that must be in accordance with the law headed by a judge.
- v. Many additional challenges could be found due to the insufficient coordination between the compensation central committee and the sub-committees.
- vi. lack of knowledge and experience among the administrative staff working at the sub-committees have been observed in some cases, despite the clear criteria defined by the law which requires knowledgeable staff to guide and provide the potential claimants with clear and accurate information and to facilitate the process.
- vii. The insufficiency of the budget allocated for compensation poses one of the main challenges impending the process, as the required amount for compensation in accordance with the number of files\ requests submitted to the compensations committees far exceeds the government budget plan for compensation.
- viii. Lack of HLP documents that are necessary when filing a compensation claim. In many cases, especially in conflict-affected areas, the Land Records in the Land Registry Offices were destroyed during the conflict, whether deliberately by the extremist groups or during the military operations led by Iraqi forces against ISIS. This damage of records has a huge impact on the citizen's ownership status and the proof of ownership which in turn affects their access to the compensation scheme since they cannot prove their ownership over the property.

4.2.3 The Situation in Iraq

IDPs residing in camps encounter a range of compounded challenges when seeking compensation in Iraq. These difficulties encompass restrictions on their ability to leave the camps, the associated transportation costs required to travel between camps and their AoO when initiating compensation requests, and the essential need for CD for the compensation

application process (*Global Shelter Cluster, 2019, p. 5*). An assessment conducted by NRC shows that approximately 80% of respondents without documentation reported inaccessibility to compensation compared to 65% of those with CD (*NRC et al, 2022, p. 14*).

In addition to the mentioned challenges, women residing in conflict-affected areas of Iraq encounter additional obstacles impeding their ability to secure housing and compensation. These obstacles stem from a complex web of factors, including the interaction between formal and customary norms concerning women's entitlement to own and assert rights over housing and property (*NRC, 2020, p. 7-8*). Complex dynamics linked to the gendered norms, social location, displacement, household structure, and caste influence women's property ownership right (*Pradhan et al, 2019, p. 8*). They also grapple with issues related to community perceptions, absence of proper ownership documentation, and the secondary occupation of properties owned by FPAs (*NRC, 2020, P. 9*).

Limited awareness among IDP women about access to restitution poses an additional obstacle to their right to obtain compensation. Challenges such as difficulties in navigating government institutions to acquire HLP documentation, hesitancy or fear associated with public offices, perceptions of insufficient inheritance rights, the notion that male presence is necessary for claims processing, and the belief in male favoritism all contribute to women facing more significant barriers than men in securing HLP documentation and compensation rights (*IOM, 2023, p. 5-6*).

Female-headed households from FPAs, confront the same set of obstacles, further exacerbated by an additional requirement for security clearance. FPAs must undergo thorough vetting by government security agencies to obtain clearance affirming their lack of affiliation with ISIS. This emphasizes the formidable challenges facing FPA women when it comes to accessing compensation for property damage. Furthermore, in many instances, the properties are registered in the names of their missing husbands, who are perceived as ISIS affiliates. However, these properties are often seized by the government, further complicating their families' ability to access compensation (*Global Shelter Cluster, 2019, p. 5*). Consequently, these compounded barriers significantly complicate the situation for FPA women compared to men and women who are not FPAs even if they are IDPs. These women are denied access to compensation scheme, despite these rights being guaranteed by both

international and national laws for all citizens affected by conflict, military operations, military mistakes, and terrorist attacks.

Nonetheless, more studies on the FPAs' access to government compensation scheme are still required to ensure a more comprehensive understanding of their legal standing concerning access to compensation in accordance with law 20 of 2009.

4.3 HEALTHCARE:

The absence of documentation can have life-or-death consequences when it comes to access to healthcare. People, especially IDPs who lack CD, face numerous challenges in terms of healthcare access.

NRC's report on documentation and access to healthcare in 2022 indicates that a patient's identity should be verified and identified by health service providers as a pre-requisite to access this right. Accordingly, IDPs and refugees and their children have limited access to healthcare and other public services since their CDs are required to access this right; while in some cases they are totally deprived of access to a specific type of healthcare such as the preventative medical care as it could not be available to all, or when there is no sufficient capacity at hospitals then nationals and people with CDs have the priority over those who do not have the identity.

In addition, the lack of CD may be a reason for preventing access to other rights that ease the access to the right of healthcare such as the movement restrictions that IDPs especially displaced FPAs face if they want to travel from one area to another in order to get the required medical care if access to it requires them to travel (*Eliassen, 2022, p. 7*).

4.3.1 International Law

In general, international human rights law recognizes the right of everyone to access healthcare as stipulated in many international conventions and treaties in different ways; some are related to refugees and IDPs, while others are in general applications.

With zero basis discrimination, everyone should enjoy "the right of public health, medical care, social security, and social services" (*Schwelb, 1966, p. 11*).

The 1951 refugee convention reassures the right of refugees to access healthcare in a similar way to the host communities wherever they are (*NRC et al, 2022, p. 18*). In addition, the International Covenant on Economic, Social and Cultural Rights, of which Iraq is a signatory, stipulates in article 12 that states adhere to “the right of everyone to the enjoyment of the best possible level of physical and mental health” which means that both mental and physical health are given equal consideration.

According to the Covenant, states parties are required to make sure that conditions created would ensure everyone medical service in case of illness (*Office of the United Nations High Commissioner for Human Rights, 1966, p. 1*).

4.3.2 National Law

Public healthcare in Iraq is secured by many national laws that emphasize the provision of healthcare and the enjoyment of citizens to the full healthcare system. For example, Public Health Law no. 89 of 1981 in article 1 and 2 stipulates that every citizen has a right to good health, and it is the state’s responsibility to provide all resources necessary to promote good health and prevent and treat diseases. The Ministry of Health’s primary responsibilities include the establishment and management of health facilities, the prevention and control of communicable diseases, and the provision of maternal, family, and children’s health services (including protection of vision and hearing, dental prevention, and health education), the improvement of population nutrition, the provision of mental health services, and the operation of public health laboratories (*Ministry of Justice, 2021, p. 1*). The Iraqi Constitution for 2005 aimed to establish a legal framework to enhance the country’s primary healthcare system. In article 31 (1), it stipulates that basic healthcare is a right that must be provided to every Iraqi citizen and that the state should take upon itself the provision of the healthcare services by establishing different types of hospitals to meet the health needs of the country. (2) “Individuals and entities have the right to build hospitals, clinics, or private health care centers under the supervision of the State, and this shall be regulated by law” (*Constitution of Iraq, 2005, p. 9*).

The need for the construction of a national universal healthcare system was strengthened by constitutional provisions that guarantee the right to healthcare. Through this procedure, GoI has taken steps to safeguard equity and ensure that social security measures in the constitution serve as solid legal pillars for the development of a social protection floor.

4.3.3 The Situation in Iraq

Within an intersectional perspective, gender, race, ethnicity, and class structure women access to healthcare (*Lynch & Kaplan, 2000, p. 15*). It is increasingly recognized that these axes of social power relations are interrelated as intersecting processes, each constructing and being constructed by the other (*Glenn, 1999, p. 2*). Expanding on this, the paper argues that gender and affiliation to ISIS combined with displacement and the lack of civil documentation can also be viewed as intersecting factors shaping women access to healthcare in Iraq.

IDP women in Iraq face substantial challenges in accessing healthcare due to their displacement status. The upheaval disrupts established healthcare networks, leading to the limited availability of services. IDP women encounter difficulties in reaching medical facilities, exacerbated by the strain on existing resources in displacement camps. Additionally, the lack of CD emerges as an additional barrier, impeding their ability to register for healthcare or access proper prenatal and postnatal care. Displacement often results in the loss of vital medical records, hindering the continuity of care. Mental health concerns also intensify due to the traumatic experiences associated with displacement. Furthermore, the unique challenges IDP women face, such as inadequate sanitation in camps, contribute to heightened health risks. In comparison to non-IDP women, the geographical and social disruptions faced by IDP women amplify the obstacles to healthcare access (*UNDP, 2022, p. 3*).

However, the absence of CD can have a significant impact on the healthcare access, according to officials from the Ministry of Health in Baghdad and other governorates, especially the governorates that witnessed armed conflict with ISIS, access to healthcare does not require civil ID and everyone is entitled to healthcare regardless of their political or religious orientations or whether, they live outside or inside the IDP camps; everyone is treated similarly, no doctor ever inquiries about a patient's identification card or affiliation (*IOM, 2022, P. 15*). Nonetheless, there are still some discrepancies; some health service providers in Mosul- Ninewa governorate reported that they cannot provide healthcare to people without IDs because they cannot register them into the hospital database if they do not have any civil IDs, "Several times I have been forced to refuse surgery to people who do not have government documents. We cannot register them into the hospital database. It was

forced [on us] by the hospital administration,” a surgeon interviewed in Mosul in March 2022. He also acknowledged that a mother whose husband is ISIS affiliate will not be provided with a birth certificate for her baby unless she has completed the *Ikhbar* against her husband. This goes against the dictates of natural justice, international and national laws (IOM, 2022, p. 10). Furthermore, those who have no civil identity may even be suspected of being ISIS-affiliate by the hospital staff if they visit the hospital without any CD (Saieh & Potersohn, 2019, p. 13).

However, this indicates that the plight of displaced FPA women adds another layer of hardship. In addition to the compounded challenges of displacement and unavailability of CD, these women grapple with multifaceted distress. Denied birth certificates for their newborns unless they report against their ISIS affiliate husbands, they find themselves caught between the harsh realities of conflict and the bureaucratic intricacies of healthcare access. This not only exacerbates their struggle to obtain medical care but also places an added burden on their infants, who encounter documentation challenges from the very first day of their lives.

Eventually, although the lack of CD affects healthcare access for all people, including non FPAs, not everyone faces the same barriers to the same extent. For example, IDP women encounter obstacles limiting their healthcare access differently than non-IDP women, who don't face the same constraints related to displacement and CD inadequacy. Meanwhile, the ability of displaced FPA women is even more restricted than both, given the combination of challenges from ISIS affiliation status, displacement, and the lack of CD.

As a result, there are no clear guidelines from the Ministry of Health about the provision of healthcare despite the lack of CD; some state officials deny the civil identity requirements to access healthcare, while others believe that it is a pre-requisite to providing healthcare or at least it is necessary to provide specific types of the healthcare. That is why it is still unclear whether healthcare could be given without civil identity or not, which must be clarified by the Ministry of Health. However, this opaque process could add an additional layer of complexity to the existing compounded challenges IDP and especially displaced FPAs encounter in terms of access to public services.

4.4 EDUCATION

The right to education is a powerful force for social progress, enabling individuals to overcome barriers, fostering cultural understanding, and promoting the values of tolerance. It plays a pivotal tool in shaping a more just and harmonious global society (*Lee, 2013, p. 2*). As we delve into the next sections, we will explore the legal framework governing the right to education, as well as the specific challenges faced by displaced FPA women in enrolling their undocumented children in school.

4.4.1 International Law

The right to education is a fundamental right secured by international law. It is stated in the Universal Declaration for Human Rights of 1948 article (26) (1) that “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit” (*United Nations, 1949, p. 1*).

The state parties of the International Covenant on Economic, Social, and Cultural Rights of 1966, article 13 must recognize the right for everyone to access education for the purpose of fostering human personality and a feeling of dignity as well as fostering respect for basic human liberties and rights. And all children must receive free primary education, which is mandatory (*Saul et al, 2014, p. 15*).

In addition, the covenant on the rights of the child for 1989 in article 28 stipulates that all state parties recognize the right of children to receive education on the basis of equal opportunities by making primary education compulsory and free for all, and offering financial aid when needed, and encouraging the development of different forms and systems of secondary education. Furthermore, according to article 29, the goal of education should be to support children to develop their personality and skills, to develop respect for human rights and fundamental freedoms, and respect for the child’s parents and their own cultural identity (*UN General Assembly, 1989, p. 13-14*).

4.4.2 National Law

The Iraqi Constitution of 2005 considers education as an essential element for the development of the state and society. Article (34) stipulates that (1) “Education is a fundamental factor for the progress of society and is a right guaranteed by the state. Primary education is mandatory, and the state guarantees that it shall combat illiteracy”. (2) “free education in all its stages is a right for all Iraqis”. (3), There shall be a right to both private and public education, subject to legal regulation (*Constitution of Iraq, 2005, p. 10*).

The right of education in Iraqi laws dates back before the 2005 constitution. Iraq’s constitution of 1970 regulated the education system in Iraq. Primary education is compulsory and universally guaranteed to all Iraqis, and secondary education is widely available. The Compulsory Education Law, which was enacted in 1976, mandates that all kids between the ages of 6 and 15 attend primary school. Iraq has also ratified the 1978 Arab States Convention on the Recognition of Studies, Diplomas, and Degrees in Higher Education. However, the situation did not last long, as the government interest in education seemed to fade after the Iraq- Iran war and the following Gulf war in 1990 (*Iraq Constitutional Legal Foundations, n.d, p. 25*).

4.4.3 The Situation in Iraq

In theory, access to school is constitutionally guaranteed in Iraq. However, many barriers in accessing education particularly for primary schools had increased since 2014 when ISIS took over some governorates from GoI. Many families ceased sending their children to school in areas under ISIS control due to the curriculum modifications made by ISIS and the incorporation of violent ideas into education materials, concerns over radicalization, worry that schools would be hit by airstrikes targeting fighters’ gatherings, and a shortage of qualified teachers (*GCPEA, 2018, p. 137*). In 2022, nearly 3.2 million school-age children in Iraq were not attending school. Over 90% of school-age children are not enrolled in the educational system in violence-affected governorates like Salah al-Din and Diyala. Approximately 355,000 school-age IDP children are not enrolled in school (*UNICEF, 2022, p. 1*).

Moreover, much of Iraq's infrastructure has been destroyed, with one out of every two schools in need of repair. Many schools operate in multiple shifts to accommodate as many

pupils as possible, reducing the time children have for learning. Additionally, Iraq ranks the lowest among Middle Eastern nations, allocating less than 6% of its total spending to the education sector in the recent national budget. The GoI's ability to provide high-quality education services has been compromised by years of conflict, resulting in violence, damage to infrastructure, and widespread relocation of students and families (*ibid*).

The provision of CD to the school administration is a mandatory condition for acceptance of children in school, and this applies to all students not only FPA children. But there is unclarity about the type of needed documents that school administration depends on at enrollment. Some school officials report that the necessary document for enrollment is basically the child's civil ID, while other officials state that in addition to the child's civil ID, the parent's civil IDs are required as well (*Saieh & Potersohn, 2019, p. 11*). In the absence of the father, for example, if he is dead, a valid death certificate must be submitted to the school administration (*Office of the United Nations High Commissioner for Human Rights, 2020, p. 11*). However, this certificate is inaccessible to FPA women for their deceased or missing ISIS affiliate husbands, making it more complicated for them to enroll their children in school (*NRC, 2019, p. 19*).

A recent study conducted by IOM shows that without civil ID, children may be enrolled by their birth certificates. Or else, they might be informally accepted until they provide their CD whether civil ID or birth certificate to the school's administration before the end of the scholastic year (*IOM, 2022, p. 12-13*). It is obvious that CD, mainly birth certificates, are extremely necessary for school registration even if sometimes children are allowed to attend primary school without it, but to be permitted to have their final examinations or get a certificate, they must submit their civil IDs (*UN Human Rights Council, 2015, p. 2*).

But obviously, FPA children's suffering does not end with this only, they may be bullied by other children because of the affiliation of their families with ISIS or they might themselves start bullying other kids as a result of their continued exposure to bullying. An interviewee from Mosul stated that "*My children are receiving education at school. But they are exposed to hurtful words. Some children describe them as ISIS children. My biggest obstacle is encouraging my kids not to drop out of school.*" (*IOM, 2022, p. 8*).

Consequently, this intricate web of challenges not only impacts the immediate generation but also has profound implications for the future. The barriers faced by FPAs, including limited access to education, contribute to a cycle of poverty that extends beyond individual lives, affecting the broader community. Moreover, these obstacles hinder social integration, fostering feelings of resentment and violence. This complex scenario intertwines with the broader context of radicalization and extremism, as the challenges faced by FPA children can potentially contribute to the perpetuation of cycles of violence and radical ideologies within the community.



5. CONCLUSION

In recent years, the focus on CD in the context of displacement in Iraq has intensified driven by the extensive loss and damage to crucial documents during the 2014 conflict with ISIS and its aftermath (*Tull, 2019, p. 3*).

The fundamental right to possess civil identity and citizenship is safeguarded by both domestic and international law. The state holds the solemn responsibility to provide its citizens with civil identity, typically actualized through the foundational right of birth registration in the civil registry. This initial act establishes a contractual foundation between the state and its citizens, symbolized by nationality or citizenship and governed by a legal framework.

Employing the "intersectionality" theory as an academic tool helps in understanding how different forms of inequality work together, recognizing that intersections could lead to disadvantages for women in accessing legal identity (*Leon, 2016, p. 14*). Examining the unique challenges faced by FPA women and children, along with children of Yazidi survivor women, illustrates that the right of women to CD and children to birth registration, citizenship, and public services, is intricately shaped by intersecting factors such as gender, religion, and the status of perceived affiliation to ISIS. Displacement further exacerbates these challenges, impacting the access of these individuals to CD.

The contradiction between the national legal framework and its actual application concerning CD access underscores gender discriminatory practices. These practices obstruct women from transmitting citizenship to their children, despite the constitutional guarantee of this right. The requirement to document patrilineage as a prerequisite step for childbirth registration exposes the intersection of gender and ISIS affiliation status, disproportionately affecting mothers with ISIS-affiliated husbands and hindering their constitutional right to confer citizenship on their children. This situation also poses additional challenges for FPA women such as the controversial use of DNA testing and its consequences such as the so called "honor killing".

Furthermore, the study uncovers the inadequacy of current law to address the issue of birth registration for Yazidi survivors' children, exposing a legislative gap that requires urgent

attention. The challenges faced by Yazidi women appear more intricate than those of FPA women regarding birth registration for their children. Barriers imposed by their communities based on their children's religion create an evident contradiction between Yazidi religious customs and Iraqi law. Consequently, these women bear the burden of this contradiction, facing the dilemma of either relinquishing their children to be welcomed back by their families or keeping their children and being dismissed from their community. These challenges emanate from the intersection of gender and religious identity, represented by GBV committed by ISIS against these women due to their religious identity on the one hand, and Yazidi community's rejection of the children of these women because of their Muslim identity on the other hand.

The imbricated challenges faced by FPA women extend beyond birth registration to other types of CD such as NIC, civil status ID, nationality certificate, residency card, and PDS. Financial constraints prevent FPA women from affording the high cost associated with obtaining these CDs. Moreover, the requirement for security clearance which is in most cases denied for FPA women unless they submit *Ikhbar* against their perceived ISIS affiliate husbands poses disadvantages and protection related risks on these women, further exacerbating the already vulnerabilities they encounter.

Additionally, the inability to obtain PDS and residency cards by female-headed households unless they submit complementary documents which is not required by their male-counterparts, distinctly highlights systemic gender disparity between women and men in obtaining these documents, adding an extra layer of complexity to their struggle.

The inability to access CD prevents FPA women from enjoying basic human rights. Their freedom of movement is linked to the requirement for security clearance which is again linked to the submission of *Ikhbar*. Additionally, even if they possess CD their movement may remain restricted due to security concerns related to ISIS affiliation.

These women also find themselves deprived of the right to the government compensation scheme for damaged properties due to the lack of CD and ownership documentation. This is combined with the lack of information regarding women ownership and HLP rights, and the requirement for security clearance again.

Moreover, they have limited access to healthcare because of the displacement and its implications as well as the ISIS affiliation status, which could hinder birth registration for their newborn babies at the hospital. In addition, the necessity of CD for school registration hinders these women from enrolling their undocumented children in school since they have no access to birth registration.

As a result, all these challenges stemmed from the intersection of gender with ISIS affiliation, and with religion, placing FPA, Yazidi women, and their children in a challenging position, driving them to a collective punishment and marginalization by the government and community, placing children at risk of statelessness by denying them birth registration and citizenship. The imperative for comprehensive reforms addressing these systemic issues is evident, acknowledging the complex web of intersecting barriers hindering the full realization of rights for these vulnerable populations.

REFERENCES

- Abad Castelos, M. (2021). Foreign Terrorist Fighters and the UN Investigative Team to Support Domestic Efforts to Hold ISIS Accountable for War Crimes, Crimes Against Humanity and Genocide Committed in Iraq: Building a Bridge that Should Be Used.
- Abultimman, A. (2020). Property Compensation Guidelines. Shelter Cluster. Retrieved from <https://sheltercluster.org/iraq/documents/property-compensation-guidelines>
- Advocacy Note on Property Compensation - English | Shelter Cluster. (2019, December 1). <https://sheltercluster.org/iraq/documents/advocacy-note-property-compensation-english>
- Alder, C. (2021). Intersectional conflict analysis: Religion and gender. *CSS Analyses in Security Policy*, 283.
- Al-Faham, H., Davis, A. M., & Ernst, R. (2019). Intersectionality: From theory to practice. *Annual Review of Law and Social Science*, 15, 247-265.
- Al-Hiwar Al-Mutamaddin (2023). The General Committee of the Federal Court of Cassation restores matters to normal. <https://www.ahewar.org/debat/show.art.asp?aid=779724>
- Al-Nashmi, F. (2021). IHCHR Report: 5 million Orphaned Children in Iraq. Asharq Al-Awsat. <https://english.aawsat.com/home/article/3354921/ihchr-report-5-million-orphaned-children-iraq>
- Al-Zubaidi. Y. (2007). The Right of Freedom of Movement: a comparative study. Retrieved from <https://iqdr.iq/search?view=ba66ba51d05d3909cdef01e6ab65d253>
- Al-Zubaidi. Y. (2007). The Right of Freedom of Movement: a comparative study. Retrieved from <https://iqdr.iq/search?view=ba66ba51d05d3909cdef01e6ab65d253>
- Amnesty International. (2021, November 2). Iraq: Yezidi reparations law progress welcome, but more must be done to assist survivors. Retrieved from <https://www.amnesty.org/en/latest/news/2021/11/iraq-yezidi-reparations-law-progress-welcome-but-more-must-be-done-to-assist->

survivors/#:~:text=On%201%20March%202021%2C%20the,before%20the%20age%20of%2018

Assembly, U. G. (1948). Universal declaration of human rights. UN General Assembly, 302(2),

Assembly, U. G. (1966). International covenant on civil and political rights. United Nations, Treaty Series, 999, 171.

Assembly, U. G. (1989). Convention on the Rights of the Child. United Nations, Treaty Series, 1577(3), 1-23.

Atewologun, D. (2018). Intersectionality theory and practice. In Oxford research encyclopedia of business and management.

Attansio, D. L., & Sánchez, N. C. (2012). Return within the bounds of the pinheiro principles: The colombian land restitution experience. Wash. U. Global Stud. L. Rev., 11, 1.

Berkowitz, R. (2012). Hannah Arendt on human rights. In *Handbook of human rights* (pp. 59-67). Routledge.

Boyden, J., & Hart, J. (2007). The statelessness of the world's children. *Children and Society*, 21(4), 237.

Bradley, H., & Healy, G. (2010). *Ethnicity and Gender at Work: Inequalities, Careers and Employment Relations*.

Canada: Immigration and Refugee Board of Canada. (2013, November 25). Iraq: Nationality Certificate, including purpose and validity; requirements and procedures for the issuance, renewal and replacement; frequency of fraudulent certificates. Retrieved from <https://www.refworld.org/docid/52cd07f64.html>

Canada: Immigration and Refugee Board of Canada. (2017, August 23). Iraq: Requirements and procedures to obtain one of the new national identity cards, including from abroad and by proxy; information on the expansion of the issuance program, including when, where and to whom the new national identity cards have been issued;

security features of the new cards; incidents of fraud. Retrieved from <https://www.refworld.org/docid/5aa914a14.html>

Chavis, A. Z., & Hill, M. S. (2008). Integrating multiple intersecting identities: A multicultural conceptualization of the power and control wheel. *Women & Therapy, 32*(1), 121-149.

Chen, J. (2017). Intersectionality Matters: A Guide to Engaging Immigrant and Refugee Communities to Prevent Violence against Women. Multicultural Centre for Women's Health (MCWH).

Cheterian, V. (2021). ISIS genocide against the Yazidis and mass violence in the Middle East. *British Journal of Middle Eastern Studies, 48*(4), 629-641.

Cherubini, D. (2011). Intersectionality and the study of lived citizenship: a case study on migrant women's experiences in Andalusia. *Graduate Journal of Social Science, 8*(2). http://www.gjss.org/sites/default/files/issues/Journal-08-02_Full-Issue.pdf#page=114

Clutterbuck, M. (2021). Documenting life and death: women's experiences during conflict in Syria and Iraq.

Crenshaw, K. (2013). Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics. In *Feminist legal theories* (pp. 23-51). Routledge.

Crenshaw, K. (1991). Race, gender, and sexual harassment. *s. Cal. l. Rev., 65, 1467*.

Constitution of Iraq, 2005, Article 18 (1.2) section 2, chapter one (rights). Retrieved from https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en

Constitution of Iraq, 2005, Article 31 (1.2) section 2, chapter one (rights). Retrieved from https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en

Constitution of Iraq, 2005, Article 34 (1.2) section 2, chapter one (rights). Retrieved from https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en

- Constitution of Iraq, 2005, Article 44, 46 section 2, chapter 2 (Freedoms). Retrieved from https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en*
- Dickson, C. (2019). Slipping Through the Cracks: Expanding Re-Identification Procedures to Help Yazidi Sex Trafficking Survivors. Seattle Journal for Social Justice, 16(3), Article 15.*
- Davies, S. E., & True, J. (2015). Reframing conflict-related sexual and gender-based violence: Bringing gender analysis back in. Security dialogue, 46(6), 495-512. <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1930&context=sjsj>*
- EASO. (2021, November 25). Iraq – Key socio-economic indicators for Baghdad (p. 54). Retrieved from https://www.ecoi.net/en/file/local/2074410/2021_11_EASO_COI_Report_Iraq_Key_socioeconomic_indicators_for_Baghdad_Basrah_and_Sulaymaniyah_DE.pdf*
- Erez, E., Adelman, M., & Gregory, C. (2009). Intersections of immigration and domestic violence: Voices of battered immigrant women. Feminist criminology, 4(1), 32-56.*
- Foster, J. E., & Minwalla, S. (2018, March). Voices of Yazidi women: Perceptions of journalistic practices in the reporting on ISIS sexual violence. In Women's Studies International Forum (Vol. 67, pp. 53-64). Pergamon. ”*
- Freccero, J., Taylor, A., Ortega, J., Buda, Z., Awah, P. K., Blackwell, A., ... & Stover, E. (2019). Safer cash in conflict: exploring protection risks and barriers in cash programming for internally displaced persons in Cameroon and Afghanistan. International Review of the Red Cross, 101(911), 685-713.*
- Glenn, E. N. (1999). The social construction and institutionalization of gender and race: An integrative framework. Revisioning gender, 3-43.*
- GCPEA .(2018). Education Under Attack. Retrieved from https://www.unicef.nl/files/education_under_attack_2018_full_report_embargoed.pdf*

- Gill, L. (2019). Children Born of the ISIL Conflict in Iraq (Doctoral dissertation, Columbia University).
- Goździak, E. M., & Shandy, D. J. (2018). Intersectionality and the Refugee Rights Protection Regime. *International Migration*, 56(2). DOI
- Gulmohamad, Z. K. (2014). The Rise and Fall of the Islamic State of Iraq and Al-Sham (Levant) ISIS. *Global security studies*, 5(2).
- Harbitz, M., & Tamargo, M. C. The significance of legal identity in situations of poverty and social exclusion: the link between gender, ethnicity, and legal identity. Washington DC, USA: Inter-American Development Bank, 2009.
- Hassen, S.H. (2016) Investigating Sexual and Gender-Based Violence as a Weapon of War and a Tool of Genocide Against Indigenous Yazidi Women and Girls by ISIS in Iraq. (Unpublished master's thesis), <https://perma.cc/Z29X-6W38>.
- Hassine, K., & Leckie, S. (2015). The United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons: A Commentary. Martinus Nijhoff Publishers.
- Hayder, L. M., Halim, A. H. A., Awal, N. A. M., & Hashim, F. Y. (2022). Yazidi Women and their Rape-Born Children: Outcasts of their Community and Iraqi Law: 10.2478/bjlp-2022-007048. *Baltic Journal of Law & Politics*, 15(7), 667-684.
- ICRC. (2009). Iraq: Women in War. Retrieved from <https://www.icrc.org/en/doc/resources/documents/field-newsletter/iraq-women-newsletter-050309.htm>
- Immigration and Refugee Board of Canada. (2013, November 25). Iraq: Nationality Certificate, including purpose and validity; requirements and procedures for the issuance, renewal and replacement; frequency of fraudulent certificates (2011-November 2013). Retrieved from <https://www.refworld.org/docid/52cd07f64.html>
- International Covenant on Civil and Political Rights (ICCPR). 1966. Article 24.

- International Crisis Group (2020), Exiles in their own country: dealing with displacement in post-ISIS Iraq. Retrieved from https://www.ecoi.net/en/file/local/2040043/b079-post-isis-iraq_0.pdf
- International Monetary Fund (2017). Reining in Current Expenditures to Create Fiscal Space for Inclusive Growth.
- IOM. (2019). Access to Durable Solutions Among IDPs in Iraq: Unpacking the Policy Implications. Retrieved from <https://iraq.iom.int/sites/g/files/tmzbd11316/files/documents/iom-iraq-access-to-durable-solutions-among-idps-in-iraq-unpacking-the-policy-implications.pdf>
- Ingram, J. D. (2008). What is a “right to have rights”? Three images of the politics of human rights. *American political science review*, 102(4), 401-416.
- IOM. (2023). Legal Needs Assessment. Unpublished report.
- IOM (2022). Families with Perceived Affiliation to ISIL. A search for Durable Solution to the Lack of Civil Documentation and Access to Basic Services.
- IOM (2022). Guidance note on the use of DNA testing to establish family relationship/links in the IDP context in Iraq finalized to the provision of Birth Certificates
- IOM (2021). Overview of Internal Displacement in Iraq: DTM Integrated Location Assessment V1.
- IOM Displacement Tracker Matrix. (2023). Iraq Master List Report. Retrieved from [20236153417216_DTM_129_Report_January_April_2023.pdf](https://iraq.iom.int/sites/g/files/tmzbd11316/files/documents/20236153417216_DTM_129_Report_January_April_2023.pdf) (iom.int).
- IOM (2022, May). PROTECTION SNAPSHOT: JEDDAH 1 CAMP RETURN AND RELOCATION. IOM. Retrieved December 21, 2022.
- Iraq Durable Solutions (2021). Resolving Internal Displacement in Iraq: Inter-Agency Durable Solutions Strategic and Operational Framework. Retrieved from https://iraqdurablesolutions.net/Uploads/PublicationFiles/2022220_360_DS%20Operational%20and%20Strategic%20Framework%20Iraq.pdf

Iraq - Constitutional Legal Foundations. StateUniversity.com. (n.d.). Retrieved February 24, 2023, from <https://education.stateuniversity.com/pages/683/Iraq-CONSTITUTIONAL-LEGAL-FOUNDATIONS.html>

Iraqi Evidence Law no. 107, 1979, Art. 104

Iraqi Nationality Law 26, (2006). Retrieved from <https://www.refworld.org/docid/4b1e364c2.html>

Joscelyn, T. (2013, April 9). Al-Qaeda in Iraq, Al-Nusrah Front emerge as rebranded single entity. The Long War Journal. Retrieved from http://www.longwarjournal.org/archives/2013/04/the_emir_of_al_qaeda.php

Korać, M. (1996, January). Understanding ethnic-national identity and its meaning: Questions from women's experience. In *Women's Studies International Forum* (Vol. 19, No. 1-2, pp. 133-143). Pergamon.

Kari.Eliassen. (2022). Documentation and Access to Health: Challenges and Opportunities for Displaced Persons, NRC: Norwegian Refugee Council. Retrieved from <https://policycommons.net/artifacts/3328894/documentation-and-access-to-health/4127622/> on 23 Dec 2022. CID: 20.500.12592/wv00p2.

Korteweg, A. C. (2012). Understanding honour killing and honour-related violence in the immigration context: Implications for the legal profession and beyond. *Canadian Criminal Law Review*, 16(2), 135.

Lafta, R., Cetorelli, V., & Burnham, G. (2018). Living in Mosul during the time of ISIS and the military liberation: results from a 40-cluster household survey. *Conflict and health*, 12(1), 1-8.

Lee Dr, S. E. (2013). Education as a Human Right in the 21st Century. *Democracy and Education*, 21(1), 1.

Leon, L. P. (2016). *Documented with undocumented histories: the intersectionality of race, class, gender and legal status* (Doctoral dissertation, California State University, Sacramento).

Lorber, J. (1994). *Paradoxes of gender*. Yale University Press.

Luna, S., & Zoltan, S. (2015). The Rise of Islamic State of Iraq and Syria (ISIS). *AARMS—Academic and Applied Research in Military and Public Management Science*, 14(4), 363-378.

Lynch, J., & Kaplan, G. (2000). Socioeconomic position. *Social epidemiology*, 1, 13-35.

Mansour, R. (2017). *Iraq after the Fall of ISIS: The Struggle for the State* (p. 15). Chatham House.

Merriam-Webster. (n.d.). Camp. In Merriam-Webster.com dictionary. Retrieved July 12, 2023, from <https://www.merriam-webster.com/dictionary/camp>

Ministry of Justice, Iraq. (2021). Public Health Law No. 89 for 1981. retrieved from <https://www.moj.gov.iq/view.5601/>

Mossallanejad, A. (2016). The Rise of ISIS and the Future of Iraq's Security. *Geopolitics Quarterly*, 11(4), 1-31.

National Card Law No. 3, 2016, article 2. retrieved from https://mizanaladalah.com/wenekan_KS/491316372018_%D9%82%D8%A7%D9%86%D9%88%D9%86%20%D8%A7%D9%84%D8%A8%D8%B7%D8%A7%D9%82%D8%A9%20%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A%D8%A9%20%D8%B1%D9%82%D9%85%203%20%D9%84%D8%B3%D9%86%D8%A9%202016.pdf

National Protection Cluster. 2021. Protection Analysis Report: Right to identity and civil documentation. Retrieved from https://www.globalprotectioncluster.org/sites/default/files/2022-02/protection_analysis_-_civil_documentation_.pdf

NRC, DRC, IRC, BWA, JCI, KOHRW, & HAI. (2022). *Life in Margins: Re-Examining the Needs of Paperless People in Post-Conflict Iraq*. retrieved from <https://www.nrc.no/globalassets/pdf/reports/life-in-the-margins/life-in-the-margins.pdf>

- NRC. (2016). Statelessness and Displacement. Retrieved from <https://www.nrc.no/resources/reports/statelessness-and-displacement/>
- NRC. (2020). Broken Homes: Housing, Land, and Property Rights in Iraq. Norwegian Refugee Council. <https://www.nrc.no/globalassets/pdf/reports/broken-homes---iraq-report-may-2020/hlp-report-1.8.pdf>
- NRC. 2019 Barriers from Birth: Undocumented Children in Iraq Sentenced to a Life on the Margins.
- Office of the United Nations High Commissioner for Human Rights. (n.d.). International Covenant on Economic, Social and Cultural Rights. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>
- Office of the United Nations High Commissioner for Human Rights. (2020, February). Right to Education in Iraq. Retrieved from <https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/2020-02IraqRightEducationreport.pdf>
- Omar, A. J., Mahmood, H. K., Husein, E. A., & Salman, N. F. (2012). DNA Paternity Test and Statistics for Father-Daughter Incest Case. *Iraqi J Biotech*, 11(2), 407-13.
- Oruc, N. (2015). Urban IDPs and poverty: Analysis of the effect of mass forced displacement on urban poverty in Bosnia and Herzegovina. *Croatian Economic Survey*, 17(1), 47-70.
- Parker, N. (2014). Iraq on the brink. *Time*, 182(2), 14-17.
- Petersen, F. (2014). Islamic State of Iraq and Levant: An explainer.
- Plan International Geneva. (n.d.). Birth registration for every child: A strategic framework for Plan International's work on birth registration. Retrieved from https://www.ohchr.org/sites/default/files/Documents/Issues/Children/BirthRegistrationMarginalized/PlanInternationalGeneva_5.pdf

- Pradhan, R., Meinzen-Dick, R., & Theis, S. (2019). Property rights, intersectionality, and women's empowerment in Nepal. *Journal of Rural Studies*, 70, 26-35.
https://genderandsecurity.org/sites/default/files/Pradhan_et_al_-_Property_Rights_Intersectionality_Ws_Empwmt_in_Nepal.pdf
- Protection Cluster Iraq, 2021. Protection Analysis report, Right to Identity and Civil Documentation.
- Sabie, D., Sabie, S., Ekmekcioglu, C., Rohanifar, Y., Hashim, F., Easterbrook, S., & Ahmed, S. I. (2019, June). Exile within borders: Understanding the limits of the internally displaced people (IDPs) in Iraq. In *Proceedings of the Fifth Workshop on Computing within Limits* (pp. 1-16).
- Saieh, A., & Petersohn, N. (2019). Paperless People of Post-Conflict Iraq: Denied rights, barred from basic services and excluded from reconstruction efforts. Norwegian Refugee Council, Danish Refugee Council, International Rescue Committee. Retrieved from https://www.nrc.no/globalassets/pdf/reports/paperless-people-of-post-conflict-iraq/paperless_people_medium_single_pages.pdf
- Sarkin, J. J., & Morais, T. (2022). The importance of adopting an intersectionality approach to refugee status determination procedures: lessons from Greece, Israel and Uganda. *International Journal of Migration, Health and Social Care*, 18(3), 193-206.
- Sammarraie, M. (2023). The impact of Iraq's reservations to international human rights treaties in the light of Maqasid al-Sharia on the rights of Yazidi women and children
- Saul, B., Kinley, D., & Mowbray, J. (2014). *The international covenant on economic, social and cultural rights: commentary, cases, and materials*. OUP Oxford.
- Schwelb, E. (1966). The International Convention on the Elimination of all Forms of Racial Discrimination. *International and Comparative Law Quarterly*, 15(4), 996-1068.
doi:10.1093/iclqaj/15.4.996
- SEED Foundation. (2020). Children Born of the ISIS War, P.1-18. retrieved from https://www.seedkurdistan.org/Downloads/Reports/201223-Children_Born_of_the_ISIS_War.pdf

- SEED Foundation. (2020). Children Born of the ISIS War, P.1-18. retrieved from https://www.seedkurdistan.org/Downloads/Reports/201223-Children_Born_of_the_ISIS_War.pdf
- Simaet Bhatha .(n.d), How to Obtain an Iraqi Residence Card. Retrieved from <https://www.simaetbhatha.com/hc/en-us/articles/6129291744797-How-to-obtain-an-Iraqi-Residence-Card->
- Sommers, I. C. H. (2020). Suffering for her faith: The importance of an intersectional perspective on gendered religious persecution in international law. *Harv. Int'l LJ*, 61, 511.
- Sonmez, S., Murray, S., & Clutterbuck, M. (2018). Protecting property: the Iraqi experience. *Forced Migration Review*, 59.retrieved from <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/sonmez-murray-clutterbuck.pdf>
- Tantalean Castaneda, R. F. (2019). *Gender, race and power: examining the Peruvian state's relationship with intersecting forms of violence and inequalities (1980-2019)* (Doctoral dissertation, University of British Columbia).
- Todres, J. (2003). Birth registration: an essential first step toward ensuring the rights of all children. *Human Rights Brief*, 10(3), 32-35.
- TRAC. (2014). Islamic State of Iraq and ash Sham (Islamic State of Iraq, ISIS or ISIL). <http://www.trackingterrorism.org/group/islamic-state-iraq-islamic-state-iraq-and-sham-isis>
- Tull, K. (2019). Civil documentation for Internally Displaces Persons (IDPs) in protracted displacement.
- U.S. Department of State. (2022). 2022 Country Reports on Human Rights Practices: Iraq. Retrieved from <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/iraq/>

UN High Commissioner for Refugees (UNHCR). (2008). UNHCR Note on DNA Testing to Establish Family Relationships in the Refugee Context. Retrieved from <https://www.refworld.org/docid/48620c2d2.html>

UN Human Rights Council. (2015, April 7). Birth registration and the right of everyone to recognition everywhere as a person before the law: Resolution adopted by the Human Rights Council. Retrieved from <https://www.refworld.org/docid/558ab29a4.html>

United Nations Human Rights Office of the High Commissioner. (1989). Convention on the Rights of the Child (CRC). <https://www.ohchr.org/sites/default/files/crc.pdf>

UNDP (2022), Affiliated with ISIL, Challenges for the Return and Reintegration of Women and Children. Retrieved from <https://www.undp.org/sites/g/files/zskgke326/files/2022-10/Families%20Affiliated%20with%20ISIS%20-%20English%20Version.pdf>

UNDP (2022). Affiliated with ISIS. Challenges for the Return and Reintegration of Women and Children.

UNDP. (2021, March 3). Pathways to Reintegration: Iraq Families Formerly Associated with ISIL (p. 6, 9). Retrieved from <https://www.undp.org/iraq/publications/pathways-reintegration-iraq-families-formerly-associated-isil>

UNHCR (2021). Civil and Identity Documentation. Retrieved from https://www.ecoi.net/en/file/local/2072009/Iraq_4.pdf

UNHCR (n.d). Guiding Principles on Internal Displacement. Retrieved from <https://www.unhcr.org/media/guiding-principles-internal-displacement>

UNHCR Iraq. (n.d.). How to register for the COVID-19 vaccine. Retrieved from <https://help.unhcr.org/iraq/en/coronavirus-covid-19-resources/how-to-register-for-the-covid19-vaccine/>

UNHCR. (1997 January 1). Convention relating to the Status of Stateless Persons. https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf

- UNHCR. (2021). Iraq IDPs Civil and Identity Documentation. ReliefWeb. Retrieved from <https://reliefweb.int/report/iraq/unhcr-iraq-idps-civil-and-identity-documentation-2021>
- UNHCR. (n.d.). Birth Registration. Retrieved from <https://help.unhcr.org/iraq/en/rights-and-obligations/birth-registration/>
- UNIDIR. (2023) MEAC Findings Report 32. Return and Reintegration Prospect for Iraqis Coming Back from Al Hol
- UNICEF, (2020). Analysis of the Legal Framework Governing Civil Documentation in Iraq, page 4, retrieved from <https://stoprapenow.org/wp-content/uploads/2020/11/Analysis-of-the-legal-framework-governing-civil-documentation-in-Iraq-UNICEF-UNAMI-UNA053-Iraq-2019.pdf>
- UNICEF. (2022). Education, Every Child Has the Right to Learn. Retrieved from <https://www.unicef.org/education>
- United Nations Human Rights Council. (2014). Birth registration and the right of everyone to recognition everywhere as a person before the law: Report of the Office of the High Commissioner for Human Rights. Retrieved from <https://www.ohchr.org/en/documents/thematic-reports/ahrc2722-report-birth-registration-and-right-everyone-recognition>
- United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons. (2020). End of Mission Statement. Retrieved from <https://www.ohchr.org/en/statements/2020/02/end-mission-statement-united-nations-special-rapporteur-human-rights-internally>
- United Nations, General Assembly (1949). Universal Declaration of Human Rights, Article 26 (1). Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- United Nations. General Assembly. (1949). Universal declaration of human rights (Vol. 3381). Department of State, United States of America.

Wildman, S. M. (1996). *Privilege revealed: How invisible preference undermines America* (Vol. 48). NYU press.

Wijeyesinghe, C. L., & Jones, S. R. (2014). Intersectionality, identity, and systems of power and inequality. *Intersectionality and higher education: Theory, research, and praxis*, 9-19.

Yurdakul, G., & Korteweg, A. C. (2013, November). Gender equality and immigrant integration: Honor killing and forced marriage debates in the Netherlands, Germany, and Britain. In *Women's studies international forum* (Vol. 41, pp. 204-214). Pergamon.

