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Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government (KRG) Area, May 10-22, 2011



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Executive Summary / Main Findings

The Swiss and Finnish Immigration services visited the Kurdish Regional Government (KRG) area and its surroundings in 2007 in separate fact-finding missions (FFMs) and in May 2011 in a joint FFM. The presence of police, Peshmerga, and Asayish forces throughout the KRG area is significantly lower today than in 2007. There are fewer checkpoints, and security checks within the KRG area seemed to be less stringent than before. This does not apply to checkpoints between the KRG region and Central Iraq, however. The security situation was still tense in disputed areas in the Kirkuk, Ninawa, Diyala, and Salah al-Din governorates at the time of the joint FFM.

There were pro-democracy demonstrations in Sulaymaniya and other northern governorates in the spring of 2011. The demonstrations, which were aimed at improving people's rights and access to services while combating corruption and nepotism in the society, were suppressed by Kurdish security forces in April. The Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP) have continued talks with opposition parties, mainly the Gorran, the Kurdistan Islamic Union (KIU), and the Kurdistan Islamic Group (KIG), in a tense political environment. Key issues between the KRG and the government of Iraq, such as the disputed areas, hydrocarbon legislation, constitutional reform, and Peshmerga funding, remained unresolved at the time of the joint FFM.

The economy in the KRG region has been booming in recent years. The fact-finding mission witnessed many new residential areas, roads, and shopping malls, as well as a modern car fleet and a newly constructed Erbil International Airport, as signs of economic success. At the same time, productivity is low, most products are imported, much of the reconstruction is done by foreign companies, prices are high, and jobs are mainly available in the public sector. Agriculture has been neglected, along with social services and job creation.

The human rights situation is better in the KRG region than in the rest of Iraq, but it worsened in 2011 with the repression of independent journalists, demonstrators, and opposition parties. The situation for women has improved slightly as a result of new legislation, but there are still a significant number of honour killings in the KRG area. KRG authorities have become more aware of human rights and with the aid of non-governmental organizations (NGOs) and international groups have improved their practices (for instance, in the correctional treatment of prisoners).

At the time of the FFM, there seemed to be little discrimination against ethnic or religious minorities. The flight of Christians from Central Iraq to the KRG area has continued since the bomb attack on a church in Baghdad in October 2010. Internally displaced persons (IDPs) and refugees are better off in the KRG area than in the rest of Iraq and generally felt safe in the region at the time of the FFM. At the same time, some suffer from poverty, remain unregistered, and lack access to proper housing, education, health care, and employment.

Overall, there is noticeable growth in the health sector in the KRG area compared with the situation in 2007. People generally have access to health care. The quality and quantity of health information, specialized health services, drugs, and health care facilities need significant improvement, however.

The migration potential in the KRG remains high, particularly among young unemployed Kurds and groups such as Iranian refugees, whose families have lived in local camps for decades.

Table of Contents

1.	Introduction	9
2.	Security Situation.....	9
2.1.	Security situation in Iraq.....	9
2.2.	Security situation in the KRG area	10
2.3.	Security situation in the disputed areas	11
3.	Political Situation	12
3.1.	Pro-democracy demonstrations in Iraq	12
3.2.	Pro-democracy demonstrations in the KRG area	13
3.3.	The aftermath of the spring 2011 demonstrations	16
3.4.	Opposition in KRG area politics	17
4.	Economic and Humanitarian Situations	19
4.1.	Economy	19
4.1.1.	Construction boom	20
4.1.2.	Corruption and Nepotism	21
4.1.3.	Job opportunities / unemployment / foreign workers.....	22
4.2.	Infrastructure	22
4.2.1.	Regional differences	22
4.2.2.	Accommodations.....	23
4.2.3.	Fuel / water / electricity	24
4.2.4.	Traffic / telecommunications / banks.....	25
4.2.5.	Education	25
5.	Law Enforcement	27
5.1.	Security forces in the KRG.....	27
5.1.1.	Peshmerga.....	27
5.1.2.	Police and the Zerevani	27
5.1.3.	Asayish.....	29
5.1.4.	Intelligence services (Parastin and Zanyari)	29

Public

5.2.	Prisons	29
5.2.1.	Women's Pretrial Detention Center "Taze"	30
5.2.2.	Women's Detention Center at Salam Camp	30
5.2.3.	Juvenile Pretrial Detention Center and Juvenile Detention Center at Salam Camp	31
5.2.4.	Documents concerning detention.....	31
5.3.	Judiciary / courts	31
5.3.1.	Structure of the justice system	31
5.3.2.	Courts.....	32
5.3.3.	Release on bail / possibility of pardon.....	32
5.3.4.	Evidence – burden of proof.....	32
5.3.5.	Concerning the rule of law and the application of some laws	33
6.	Human Rights Situation	34
6.1.	Human Rights in Iraq	34
6.2.	Human Rights in Iraqi Kurdish Areas	34
6.3.	Groups at risk.....	34
6.4.	Press freedom and freedom of expression in Iraqi Kurdish areas	35
6.5.	Blood feuds	36
7.	Women and Children	36
7.1.	General situation for women in the KRG region.....	37
7.2.	Single women.....	38
7.3.	Marriage / divorce / child custody / polygamy	39
7.3.1.	Marriage (civil / mullah).....	39
7.3.2.	Divorce.....	39
7.3.3.	Child custody	40
7.3.4.	Polygamy	40
7.4.	Violence against women	40
7.4.1.	Domestic violence.....	40
7.4.2.	Honour-related violence.....	41
7.4.3.	Forced marriage	42
7.4.4.	Female genital mutilation.....	43
7.5.	Protection	43

Public

7.5.1. Shelters.....	44
7.5.2. Mediation	45
7.5.3. Access to protection	45
7.6. Human trafficking and prostitution.....	46
7.7. Women in prison	47
7.8. Children.....	47
8. Minorities	48
8.1. Legal framework.....	49
8.2. Regional overview.....	49
8.3. Christians	50
8.3.1. History and reasons for migration.....	51
8.3.2. The KRG area.....	53
8.3.3. Disputed areas.....	53
8.3.4. Conversion.....	54
8.4. Yazidis.....	54
8.5. Turkmen	54
8.6. Fayli Kurds	55
8.7. Kakai	55
8.8. Shabak.....	56
8.9. Arabs in the KRG area	56
9. Internally Displaced Persons	56
9.1. Camps and settlements	57
9.2. Situation for IDPs in the KRG area	58
9.3. Situation for IDPs in Central and Southern Iraq	59
9.4. Entry procedures to the KRG area / screening at the KRG border	59
10. Returnees.....	61
10.1. Areas of return	61
10.2. IOM on returns	62
10.3. Reintegration assistance.....	63

10.4.	Forced returns.....	64
10.5.	Primary needs of returnees.....	64
10.6.	Getting a job.....	66
10.7.	Youths discouraged from migrating abroad	67
10.8.	Returns from Jordan and Syria	67
10.9.	Meetings with four returnees.....	68
10.10.	Projects and studies on return	69
11.	Foreign Refugees.....	70
11.1.	Population figures of refugees in the KRG area.....	71
11.2.	Turkish refugees and Makhmur Camp.....	72
11.3.	Syrians	73
11.4.	Iranians	74
11.4.1.	Relations between the KRG and Iran	75
11.4.2.	Kawa Camp	76
11.4.3.	Barika Camp	77
11.4.4.	Democratic Party of Iranian Kurdistan (KDPI or PDKI).....	79
11.4.5.	Komala Party of Iranian Kurdistan (Komala)	81
11.4.6.	The Party of Free Life in Kurdistan (PJAK).....	84
11.4.7.	Mujahedin-e Khalq Organization (MKO).....	84
11.5.	Palestinians.....	85
12.	Health Care Situation.....	86
12.1.	Lack of human resources.....	86
12.2.	Primary, secondary, and specialized health care.....	88
12.3.	Mental health care.....	89
12.4.	Health care in the KRG area	89
12.5.	Treatment of children	91
12.6.	Mental health care in the KRG area.....	92
12.7.	Treatment for torture victims	92
12.8.	Health care in the disputed areas	93

13. Iraqis in Jordan and Syria94

14. Appendix.....96

14.1. Interviewed sources96

14.2. Public documents received from sources98

14.3. Other sources used in the report.....101

1. Introduction

The Finnish Immigration Service and the Federal Office for Migration (FOM) carried out a fact-finding mission (FFM) in Amman and the Kurdish Regional Government (KRG) area on May 10-22, 2011. Representatives of the Swiss embassies in Damascus and Ankara also took part in the mission. The objectives of the mission were to renew contacts with Iraqi authorities, international organizations, and local non-governmental organizations (NGOs) for further information exchange and to conduct general fact-finding on the situation in Northern Iraq. These objectives were also set out in the agreement with the Return Fund, whose financial assistance constituted half the Finnish Immigration Service's budget for the fact-finding mission.

International Organization for Immigration (IOM) Iraq offices in Amman and Erbil were of invaluable assistance in organizing and facilitating meetings, interpreter services, and transportation during the mission. Swiss authorities, particularly the aforementioned embassies, and the Amman embassy gave added value to the fact-finding mission, securing meetings with European immigration authorities and high-level Iraqi authorities, including several ministers of the KRG. The immigration services are grateful to KRG authorities for their cooperation with the mission.

The *European Union (EU) Common Guidelines on (Joint) Fact Finding Missions* (November 2010)¹ were followed as closely as possible in the planning and execution of the mission (e.g., the Principle of Approved Notes was applied with most sources). Some sources did not want to be quoted by name or at all in the fact-finding report. Overall, the fact-finding mission was conducted successfully, in secure and friendly circumstances both in Amman and the KRG area.

2. Security Situation

2.1. Security situation in Iraq

According to the United Nations High Commissioner for Refugees (UNHCR), there has been steady improvement in the security situation in Iraq since 2007, with significantly fewer incidents of violence reported during the past two years and a shift from general violence to local incidents. The U.N. Development Program (UNDP) was optimistic about the free and fair elections in Iraq, although it has taken a long time to form the new government, a process that is ongoing. The UNHCR noted that the new Iraqi government includes every political alliance in Iraq.²

At the same time, the UN continues to operate in a fragile security environment in Iraq, with unpredictable changes in the country's security dynamics. The formation of the new government and the withdrawal of Multinational Force-Iraq (MNF-I) troops have cast doubts on future political resettlement. Armed groups, particularly Al-Qaeda in Iraq and the main Shia forces such as Hezbollah Brigades and Asaib Ahl al-Haq, continue to conduct violent attacks. Most violent incidents occur in Baghdad and the disputed areas, as well as in the Anbar governorate.³

¹ ECS, November 2010.

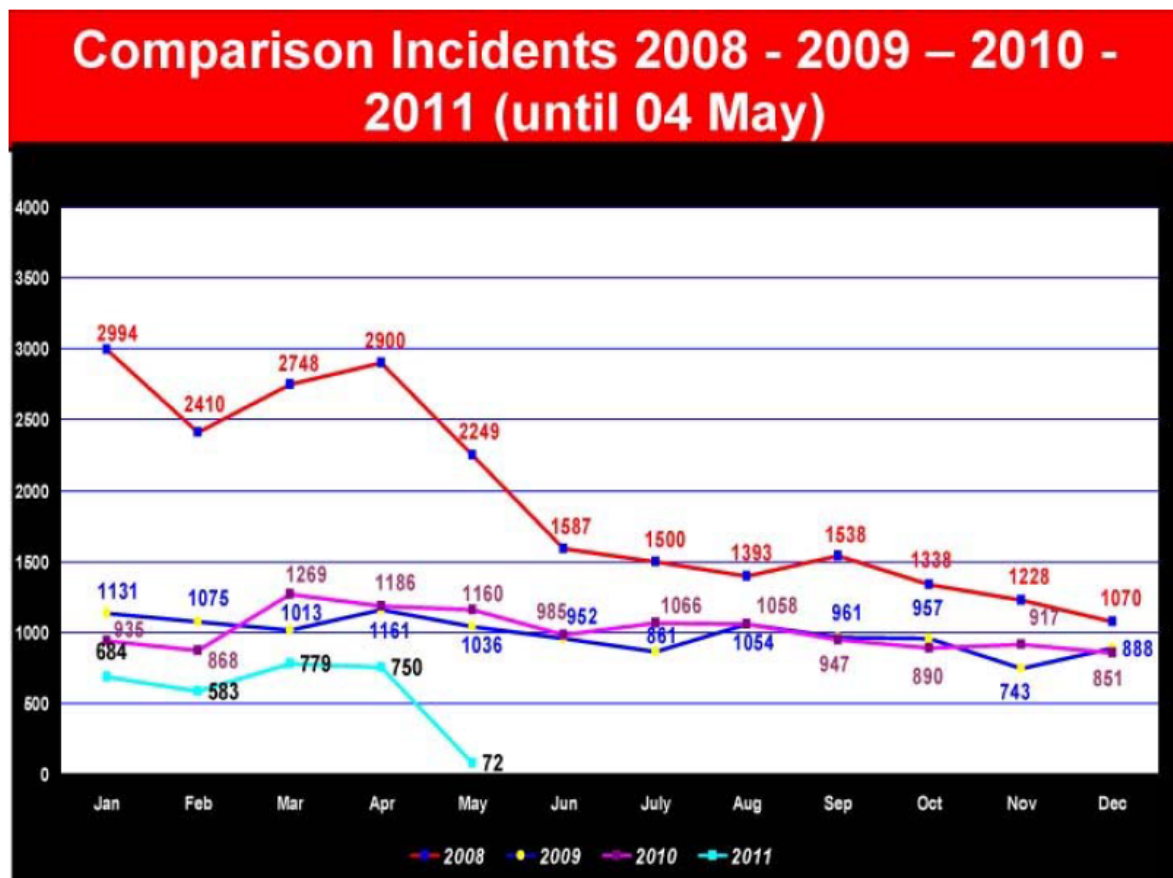
² Meetings with UNHCR Iraq and the UNDP in Amman and Erbil.

³ UNHCR. *Critical Activities in Iraq 2011/2012*; United Nations. *Draft Country programme document for Iraq 2011-2014*.

Public

The security forces' countermeasures can limit attacks by the armed groups but cannot fully prevent them. Current forms of violence against security forces include attacks with silenced guns, IEDs, VBIEDs,⁴ and roadside bombs, as well as skillfully coordinated simultaneous attacks in multiple locations. A majority of these incidents are targeted at security personnel and political figures; however, civilians caught up in the violence constitute the highest number of casualties.⁵

Some of the violence is viewed as politically motivated and is attributed to differences over power sharing in addition to external influences. The level of combat and operational preparedness of Iraqi Security Forces (ISF) remains questionable. There are also concerns about deterioration in security related to the withdrawal of U.S. forces and the actions of the Sadrist Movement. On the other hand, the removal of U.S. forces may deprive insurgent groups of targets and improve the security situation.⁶



Source: UNHCR Iraq.⁷

2.2. Security situation in the KRG area

During the fact-finding mission, the security situation in the KRG area was stable. Several sources noted that the security situation in the KRG area was good.⁸ Security forces were visible, and security checks were made. Local people cooperated with security forces in keeping the area safe. There have not been terrorist attacks in the KRG area in several years.⁹

⁴ IED = improvised explosive device; VBIED = vehicle-borne improvised explosive device.

⁵ UNHCR. *Critical Activities in Iraq 2011/2012*.

⁶ UNHCR. *Critical Activities in Iraq 2011/2012*.

⁷ UNHCR. *Critical Activities in Iraq 2011/2012*.

⁸ For example, meetings with UNHCR Iraq in Amman and a Western consulate.

⁹ Meetings with KRG authorities and the Kurdistan Civil Rights Organization (KCRO).

Compared with 2007, when the Swiss and Finnish immigration services last performed fact-finding missions in the region, security checks at checkpoints within the KRG area were more relaxed and security personnel were less numerous on the roads and around administrative buildings. This indicates a general improvement in the security situation in Iraq in recent years.

Security incidents still occur in the Qandil Mountains, where operations by the Kurdistan Workers' Party (PKK) and the Party for Free Life in Kurdistan (PJAK) continue and Turkish and Iranian forces have been shelling villages and roads.¹⁰ About 4000 PKK fighters are still stationed along the KRG borders with Turkey and Iran, half of them in the Qandil Mountains, an area that KRG authorities say is virtually beyond their control. Apparently, three-fourths of the PKK fighters are of Turkish descent, and the rest are of Syrian descent.¹¹ The PJAK consists of Iranian Kurds. There are apparently not many Iraqi Kurds in these organizations.

KRG authorities consider the PKK problem to be political and noted that it could be solved by bettering the situation of Kurds in Turkey. At the same time, they saw positive elements in the Turkish government's approach toward the Kurds. KRG authorities set their hopes on the ability of the tripartite committee of Iraq, Turkey, and the U.S. military to deal with the PKK issue.

Several sources consider relations with Iran to be good and indicated that there was important trade between Iran and the KRG. Many Iranians also cross the border to visit the KRG area. At the same time, several sources, including representatives of KRG authorities, suggested that Iran was interfering in the affairs of Iraq and the KRG and using the PJAK as an excuse for dominating the border mountains. According to some sources, the Qandil area is routinely bombed between June and August, during the harvest.

The FFM team was told of the Rawand Kurds, who traditionally live in the border area of Iraq and Iran and move up the Qandil Mountains to find grass for their sheep. It was suggested by a source that the bombing of the livestock grazing areas of the Rawand Kurds each spring by Iran's armed forces and the resulting displacement of the local population is a deliberate attempt to change the demographics of the area, as there is no PJAK activity in that part of the mountains and the bombing is targeted at agricultural land. At the same time, rapprochement between the KRG and Turkey is evident, although Turkish forces also continue to shell the border area between the countries.¹²

2.3. Security situation in the disputed areas

The fact-finding mission heard that there were continued tensions in disputed areas such as Kirkuk, due in part to the recent deployment of additional Peshmerga to the governorate.¹³ Violence by armed opposition groups also continued in the governorates of Ninawa, Salah al-Din, and Diyala. The tense security situation is likely to prevail until a solution to the situation in the disputed areas is negotiated.¹⁴

Several security incidents occurred in Mosul and Kirkuk during the fact-finding mission. After a major bomb attack in Kirkuk in the last days of the mission, security measures were tightened, and the team witnessed stringent security checks at a checkpoint outside Erbil. A source suggested that the tripartite checkpoints in the disputed areas would remain for the

¹⁰ Events in the border mountains escalated during the summer of 2011.

¹¹ Many Syrian Kurds belong to the PYD party (i.e., Partiya Yekitîya Demokrat or Democratic Union Party).

¹² See also Human Rights Watch. September 1, 2011.

¹³ UNHCR. *Critical Activities in Iraq 2011/2012*.

¹⁴ UNHCR. *Critical Activities in Iraq 2011/2012*.

time being and quoted recent news reports that predicted violence between groups at the checkpoints if U.S. troops moved out.

Despite the violence, some NGOs are able to operate without security staff in the disputed areas. The highway between Erbil and Kirkuk has become reasonably safe for travelers such as business delegations.¹⁵ KRG authorities told the FFM team that a census is required in Kirkuk according to Article 140 of the Iraqi Constitution and that arguments over land in the disputed areas remain largely unresolved. According to an international organization, a high-level negotiated solution is needed to solve the situation in the disputed areas; however, finding negotiators to represent the various ethnic groups in the area is difficult.¹⁶

Regarding the Kirkuk issue, the stance of the opposition Gorran (or Change) Movement is equivalent to that of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). According to Gorran, Kirkuk should be part of the KRG controlled area, and Article 140 should be implemented. The Gorran indicated, however, that the KRG has not done enough to resolve the Kirkuk issue and that the situation must be improved step-by-step, with animosity between Arabs, Turkmen, and Kurds reduced.¹⁷

3. Political Situation

The political situation in the Iraqi Kurdish areas was marked by pro-democracy demonstrations and violent incidents between security forces and demonstrators in February-April 2011. By the time of the fact-finding mission in May, security forces had effectively ended the mass demonstrations, although small protests were still occurring. Most of the additional security forces sent to the streets of Kurdish cities and checkpoints to end the demonstrations were no longer visible, although many sources pointed out that they were still present, allegedly in civilian clothing. At the time of the fact-finding mission, the three opposition parties, the Gorran Movement, the Kurdistan Islamic Union (KIU), and the Kurdistan Islamic Group (KIG), were boycotting general sessions of the Kurdish Parliament. Talks between the ruling parties and the opposition were planned.

3.1. Pro-democracy demonstrations in Iraq

According to several sources, the Iraqi government suffers from corruption and a lack of transparency. Services are weak and supplies of electricity and clean water are limited. Unemployment is a problem, and groups such as widows and children are vulnerable. The rule of law and the justice system are deficient, and many people have been detained for a long time without a trial. The transition from reconstruction to developmental aid in Iraq is ongoing, and there are still areas that need emergency assistance.

These conditions represent some of the impetus behind the pro-democracy demonstrations in Iraq, which gained momentum in the spring of 2011 and have continued. The protesters have obviously been inspired by demonstrations in Northern Africa and the Middle East. Several sources told the fact-finding mission that the protests in Iraq have not been about regime change in Baghdad itself, but about overall reform.¹⁸

¹⁵ Meeting with a Western consulate.

¹⁶ Meeting with an international organization.

¹⁷ Meeting with a Gorran parliamentarian.

¹⁸ Meetings with NGOs in Amman, the UNDP, and UNHCR Amman.

3.2. Pro-democracy demonstrations in the KRG area

Northern Iraq witnessed large pro-democracy demonstrations in February-April 2011. The demonstrations were ongoing at the time of the fact-finding mission, although on a limited scale. The protesters have declared many goals; in addition to the general democratization of society, they have advocated for better living conditions, employment opportunities, improved social services, freedom of the press, and a reliable justice system. The demonstrators find it problematic that the building of society is under the control of two main political parties whose activities cannot be scrutinized. Politics and business are seen as tightly linked.

According to several sources, government corruption is a big problem, including the mismanagement of huge sums of money, the lack of budgetary controls, and nepotism, or the allocation of contracts to government workers and their families. According to multiple sources, the government talks about fighting corruption, but no serious anticorruption work has been done.

The security crackdown on pro-democracy demonstrations in the Iraqi Kurdish areas was strong. According to sources, the crackdown began before the actual demonstrations. For example, a member of what later became the Temporary Council of Demonstrators was arrested a week before the demonstrations. According to some sources, the atmosphere in Sulaymaniya had worsened in the two months preceding the mass demonstrations, as vague legislation passed in December 2010 had given authorities in the KRG area an opportunity to easily reject demonstration permits.¹⁹

The mass demonstrations in Northern Iraq started off peacefully and included theatrical and cultural events that received normal journalistic coverage. The turning point occurred on February 17, 2011. A demonstration had been planned that day by students and was intended to be a gathering of people supporting events in Egypt and Tunisia.²⁰ However, the protest turned violent, and there was a widely covered incident in which demonstrators who were pelting the KDP headquarters in Sulaymaniya with stones were shot at by persons representing the party. Two demonstrators were killed and dozens were injured in the shooting.²¹

There are many unanswered questions about the demonstrations. The independent media have raised questions about where security forces were on February 17 and why they did not prevent the demonstrators from moving toward the KDP building. There was even speculation that the February 17 events were orchestrated by the main political parties in order to clamp down on the opposition Gorran Movement. The fact-finding mission heard in mid-May that only a first lieutenant of the PUK had been arrested for the violence against the protesters on February 17 and that the other perpetrators remained at large.

After the events of February 17, the demonstrations evolved into mass protests around Iraqi Kurdistan and particularly the Sulaymaniya governorate. The protesters who took to the streets were mostly students, high school pupils, and other youths, as well as intellectuals, artists, former politicians, media representatives, and religious figures. Many protesters were teenagers.²² Well-known artists, singers, actors, and parliamentarians wearing white sheets and calling themselves the White Group (or Peace Group) formed a peace zone between the demonstrators and security forces in an effort to prevent violence.²³

¹⁹ Human Rights Watch. April 21, 2011; *The Christian Science Monitor*. July 1, 2011; meetings with NGOs in Amman and Norwegian People's Aid (NPA).

²⁰ Meeting with *Awene*.

²¹ Inter Press Service (IPS). February 17, 2011; ABC News. February 22, 2011.

²² Meeting with a Western consulate.

²³ Meeting with *Awene*; ABC News. February 22, 2011.

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To crack down on the demonstrations, a massive security force was deployed to Sulaymaniya as well as other cities, roads, and checkpoints by the KRG. Questions have been raised about how the authorities were able to bring thousands of security forces from Erbil and elsewhere into Sulaymaniya on very short notice.²⁴ According to a consulate interviewed by the FFM team, the security forces were unprepared to deal with such mass protests. According to one Gorran parliamentarian, the government responded to the social movement and the events of February 17 by tightening controls against the people, such as passing stricter laws against demonstrations.²⁵

Members of the independent media were extensively targeted by Kurdish authorities in 2011. Starting with the demonstrations, international organizations received weekly complaints about journalists being threatened or harassed by authorities or about the confiscation of cameras.²⁶ On February 20, the Nalia Radio and Television (NRT) office was burned down in Sulaymaniya by gunmen after phone threats about closing down the broadcasts. One person was injured. The independent satellite TV station had aired violent incidents that occurred during the demonstrations.²⁷

In February, Reporters Without Borders (RSF) reported threats, physical attacks, detentions, prevention of filming or broadcasting, and destruction of property against reporters of several media, including NRT, Kurdish News Network (KNN), KURDIU, the Islamic Group news website, *Hawlati*, *Arasta* magazine and Sound Radio, Gali Kurdistan, Payam, Chatr, Radio Gorran, METRO, *Awene*, Sumaria News, Radio Nawa, CNN in Arabic, and Destur.²⁸

On February 25, thousands of demonstrators gathered in the streets around Iraq during what has become known as the “day of rage.” Extensive demonstrations on that day were also seen in the KRG area. The KNN TV offices, run by the opposition movement Gorran, were set on fire in Erbil and Soran.²⁹

Soon after initiation of demonstrations in Northern Iraq, the demonstrators published their demands for political reforms in Iraqi Kurdistan. On February 28, a declaration outlining the demands of Kurdish citizens was published by the Committee of Maidany Azadi, which represented the protesters and was named after Azadi Square, or Freedom Square (originally Sara Square) in Sulaymaniya, which had become the center of the demonstrations.³⁰

The declaration, which was also relayed to the fact-finding mission, included instantaneous demands such as acceptance of legitimate demonstrations and demands, withdrawal of armed forces that were mobilized to suppress the demonstrations, release of detained protesters, prosecution of those who engaged in killing and injuring protesters, and establishment of a joint committee of government representatives and demonstrators to respond to the demands.³¹

Crucial demands on the declaration included a revision of the KRG Constitution to better protect people’s rights; lessening of the power of the KRG president and the main political parties; reforms in the judiciary, law making, and law enforcement; transparency in public funding; improvements in the living standards of the population; fighting corruption;

²⁴ Meetings with NGOs in Amman and *Awene*.

²⁵ Meeting with a consulate and Gorran parliamentarian.

²⁶ Meeting with an international organization.

²⁷ Kurdiu.org. February 20, 2011; RSF. February 22, 2011.

²⁸ RSF. February 22, 2011.

²⁹ BBC. February 18, 2011; Kurd Net. February 26, 2011.

³⁰ Ad hoc Committee of Maidany Azadi, February 28, 2011.

³¹ Ad hoc Committee of Maidany Azadi. February 28, 2011. The declaration can be found at <http://www.solami.com/iraqsecurity.htm#demands> (Accessed October 4, 2011).

improvements in health care and social insurance; and countering of gender discrimination and violence against women.³²

In April, students planned to protest in front of a court in Sulaymaniya, demanding the arrest of those who had shot demonstrators on February 17. According to independent media, the killers were identified in photographs and videos. However, the authorities did not give permission for the demonstration and sent large security forces to meet the protesters' buses. Vehicles of Asayish reportedly escorted the students out of town to a location where they were beaten.³³

On April 18, security forces cracked down on and effectively ended the mass demonstrations by seizing control of Azadi Square in Sulaymaniya. At least 90 people were injured in the violent crackdown. On the same day in Erbil, security forces attacked students of Salahaddin University, a Gorran parliamentarian, and journalists during an attempted demonstration. On April 19, all unlicensed demonstrations were banned in the Sulaymaniya governorate, and dozens of students were detained.³⁴

The Sulaymaniya headquarters of Payam TV, a satellite television station of the KIG party, was surrounded on April 19 by PUK security forces. Also in April, Reporters Without Borders reported that a *Hawlati* correspondent had been shot at in Rania, and Rojnama, KNN, Lvinpress.com, *Hawlati*, and *Awene* staffers suffered violations ranging from harassment to arrests and beatings.³⁵ Rebin Hardi, a prominent Kurdish writer, as well as two journalists from Rojnama and a taxi driver were severely beaten by security forces on April 19 while trying to attend a protest in Sulaymaniya's law courts.³⁶ The offices of the KIU were attacked by unknown persons toward the end of April.³⁷

Also in April, Amnesty International and Human Rights Watch urged Kurdish authorities to end the use of excessive force against the demonstrators and to respect the rights of freedom of assembly and expression. The human rights organizations also urged authorities to hold accountable those responsible for attacking protesters and journalists.³⁸ In May, the fact-finding mission heard that demonstrators had been taken into custody during the protests but that it was impossible to determine where they were held. Detainees were taken to unofficial detention centers and later released or were transferred from informal to regular prisons. According to an international organization, in mid-May one person was still in detention in Sulaymaniya and some demonstrators were unaccounted for.³⁹

An international organization mentioned that people who are released from custody should be given documentation about their arrest but that the arrested demonstrators never received this document. The FFM team was also told that the name of one detainee was registered in a database, which can have negative consequences for that person. The fact-finding mission also learned that a Gorran party member's house was attacked on May 15.⁴⁰

After its mission was complete, the FFM team learned that security forces, including various military, militia, and police forces, allegedly in civilian clothes, had whipped people gathering for a demonstration in the center of Sulaymaniya on July 15. According to the information received, one of the mistreated persons was the director of the Metro Center to Defend Journalists, Rehman Gharib. People were threatened, and journalists were not allowed to

³² Ad hoc Committee of Maidany Azadi. February 28, 2011.

³³ *The Christian Science Monitor*. July 1, 2011; meeting with *Awene*.

³⁴ Amnesty International. April 19, 2011; Human Rights Watch. April 21, 2011.

³⁵ RSF / IFEX. April 22, 2011.

³⁶ *The Christian Science Monitor*. July 1, 2011.

³⁷ Meeting with an international organization.

³⁸ Amnesty International. April 19, 2011; Human Rights Watch. April 21, 2011.

³⁹ Meeting with an international organization.

⁴⁰ Meeting with an international organization.

cover the incident. Journalists and others recording the events with their cell phones were detained.⁴¹

3.3. The aftermath of the spring 2011 demonstrations

According to KRG authorities and other sources, 10 people, including two policemen, were killed during the demonstrations. In all, 500-600 people were injured and approximately 700 were detained.⁴² According to a KRG official, licenses for demonstration were not being granted at the time of the fact-finding mission.⁴³ A member of the Gorran Movement stated that some Kurdish parliamentarians were still under surveillance (e.g., by phone tapping) and felt threatened in the tense atmosphere.⁴⁴

Some sources believe that the opposition did not perform sufficiently well together and that people lost momentum during the demonstrations. It was also thought that some good would come of the protests. KRG authorities told the fact-finding mission that lack of services was a key problem leading to the demonstrations. According to the authorities, these problems will be solved.⁴⁵ The FFM team heard that the electricity supply system had been improved in parts of the KRG area after the demonstrations. KRG Prime Minister Barham Salih acknowledged to the press in July that the solution for democracy-related problems lies in proper reform.⁴⁶

KRG authorities considered the security situation to be good in the aftermath of the demonstrations. To show that society was functioning normally, the authorities pointed out that the UN had representation in the KRG area, civil society was functioning, and relations between authorities and the civil society were good.⁴⁷ According to some sources, additional Peshmerga forces had been withdrawn from Sulaymaniya. The authorities also pointed out that a series of reforms were being addressed by the KRG to satisfy the demands of the constituency.⁴⁸

Regarding the arrests of those who committed violence against the demonstrators, some sources thought that the government was protecting itself. *Awene* newspaper was skeptical that the perpetrators of violence during the demonstrations would be caught, explaining that according to law, members of the security forces cannot be brought into court without the permission of the Peshmerga Ministry, the Interior Ministry, or the Asayish, respectively. According to *Awene*, in the past, members of the security forces have been tried and sentenced to prison terms for civil crimes (e.g., in one case involving the death of a young girl in detention), but they have not been detained for political crimes. In practice, the courts cannot touch members of the security forces as long as their immunity is intact.⁴⁹

The fact-finding mission learned how demonstrators relaying information about the protests via mobile phones became “journalists” themselves. According to *Awene*, expanding use of the Internet and the various websites and blogs active in Northern Iraq and abroad ensures that the people’s voice can no longer be blocked by authorities.⁵⁰

According to consulates interviewed by the fact-finding mission, some key figures in the Kurdish administration were switched to different posts after the demonstrations, and talks on

⁴¹ The Federation of Civil Society Organizations. July 15, 2011.

⁴² Meetings with KRG authorities and a Gorran parliamentarian.

⁴³ Meetings with KRG authorities.

⁴⁴ Meeting with a Gorran parliamentarian.

⁴⁵ Meetings with KRG authorities.

⁴⁶ *The Christian Science Monitor*. July 1, 2011.

⁴⁷ Meetings with KRG authorities.

⁴⁸ Meetings with KRG authorities.

⁴⁹ Meeting with *Awene*.

⁵⁰ Meeting with *Awene*.

reform were under way. Talks about uniting the Asayish also gained momentum after the protests.⁵¹

According to the Gorran Movement, discussions between political groups continue in the KRG area, although the dialogue has not been direct and could not be considered serious at the time of the fact-finding mission. A Gorran parliamentarian interviewed by the FFM team did not believe there would be meaningful changes in the Kurdish government in the aftermath of the spring demonstrations.⁵²

3.4. Opposition in KRG area politics

The fact-finding mission met with several representatives of KRG authorities, the political Gorran Movement, and the Assyrian Democratic Movement (ADM). An Islamic party was also approached about an interview, but the request was not answered. The fact-finding mission also discussed the political situation in the KRG area with other sources, many of whom preferred not to be quoted on the subject.

The KDP and PUK continue to dominate Kurdish politics in Iraq. This situation was likened by a source to rule by hereditary families in the region. Only after the July 2007 elections has there been real political opposition in Sulaymaniya and the KRG area. The opposition is led by the Gorran (or Change) Movement, which has 25 seats in the Kurdish Parliament, and includes two Islamic parties (i.e., the KIG and KIU) with 10 seats.

According to the Gorran Movement, the political system in the KRG region remains weak and is based on majority rule by the KDP and PUK parties. Political parties receive funding from the KRG, which cut support for opposition parties (i.e., the Gorran, KIG, and KIU) in April 2011. According to the Gorran Movement, the benefits of the decisions are not shared equally among all political groups.⁵³

According to a Gorran parliamentarian, the movement has asked for reforms pertaining to the election of ministers; the rule of law; nepotism; interference in political parties by the army and police; creation of a national, nonpolitical army; and equal rights for citizens in the KRG region.⁵⁴ These demands were seen as legitimate by several sources. One source thought that the KRG region needs good governance and a transparent political culture. For example, losing elections should be considered a normal phenomenon.⁵⁵

A Gorran parliamentarian explained that the movement takes an active part in politics, particularly in Sulaymaniya, and tries to cross traditional limits and red lines in Kurdish policy making. Gorran also monitors the activities of authorities, reports on their practices, and demands investigations into irregularities and violent incidents perpetrated by authorities. There is currently real debate and competition in Parliament, and the opposition was said by a source to have some success in its work against corruption. A source told the fact-finding mission that the Gorran Movement had brought real political debate to the Kurdish Parliament and the media, an important element in the democratic development of the KRG region.⁵⁶

Some sources consider the Gorran Movement to be linked to the PUK, at least on the leadership level. Some thought that the leadership of Gorran would be eager to inherit the PUK's position and perhaps implement similar policies in the future, should the PUK

⁵¹ Meetings with consulates.

⁵² Meeting with a Gorran parliamentarian.

⁵³ Meeting with a Gorran parliamentarian.

⁵⁴ Meeting with a Gorran parliamentarian.

⁵⁵ Meetings with consulates in the KRG and other sources.

⁵⁶ Meetings with consulates in the KRG, Awene, and other sources.

disintegrate. One source thought the Gorran Movement should be more patient in its policy making in order to achieve its goals. Several sources praised the Gorran Movement for criticizing the government but also blamed the movement for not offering alternatives or having a concrete program. Gorran was seen as a threat to the PUK, but not to the KDP.⁵⁷

Some sources suggested that on the grassroots level, the Gorran Movement is inspired by reformist ideas, as the young generation of Kurds is growing up to new circumstances and new values. The movement supports transparency and advocates against corruption, nepotism, and party-led security structures. The rise of the Gorran Movement in Iraqi Kurdish areas was attributed to a split in the PUK leadership and the fact that the traditionally rigid structure of the formerly far-left PUK made it difficult for the party to adapt to new realities and demands.⁵⁸

One source indicated that the Gorran Movement is very popular abroad in the diaspora community. The Change movement is also slowly gaining popularity in the KDP area. According to the source, this was seen in the actions of students at universities in Erbil during the spring demonstrations, when Gorran offices were attacked in Erbil and Dohuk.⁵⁹

According to a Gorran parliamentarian, the West has an obligation to pressure the Kurdish government for reforms. Gorran has stressed that reform could affect people's lives and that Kurdish people want to participate in decision making. Currently, problems such as unemployment and inequality are not being resolved. According to the parliamentarian, Gorran believes in gender equality, as 12 of the movement's 25 members of Parliament are women.⁶⁰

The rise of the opposition has brought the struggle for social issues to the forefront, and serious social unrest has been seen in Iraqi Kurdish areas. According to the Gorran Movement, the government's immediate response to the social movement has been to tighten its control of KRG citizens, e.g., by passing stricter laws against demonstrations.⁶¹ The opposition has been boycotting sessions of the Kurdish Parliament intermittently since March as a result of the violent repression of demonstrations by the KRG, the fact that perpetrators of violence in the spring demonstrations have not been prosecuted, and other issues such as cuts in the budgets of opposition parties.⁶²

During the fact-finding mission, a Gorran parliamentarian indicated that discourse between political groups was continuing in Kurdistan but there was not yet a direct dialogue between the ruling parties and the opposition and the discussions were not considered serious at that point.⁶³ Talks between the KDP and PUK and the three main opposition parties (i.e., Gorran, KIG, and KIU) continued after the fact-finding mission. For example, KRG President Massoud Barzani met with the leader of the Gorran Movement, Nawshirwan Mustapha, on September 23, 2011.⁶⁴

When asked by the fact-finding mission about the cohesion of the opposition, a Gorran parliamentarian explained that the parties were unified by their opposition to the Kurdish government. However, the parties differ significantly regarding the level of secularism in politics, as well as various social, economic, and political issues.⁶⁵ According to several other sources, there is a big gap between the Gorran Movement and the Islamic parties, which

⁵⁷ Meetings with consulates in the KRG and other sources.

⁵⁸ Meetings with consulates in the KRG and other sources.

⁵⁹ Kurd Net. February 18, 2011.

⁶⁰ Meeting with a Gorran parliamentarian.

⁶¹ Meeting with a Gorran parliamentarian.

⁶² Meeting with a Gorran parliamentarian; AKnews. May 1, 2011; Kurd Net. June 25, 2011; The Kurdistan Tribune. July 11, 2011.

⁶³ Meeting with a Gorran parliamentarian.

⁶⁴ Kurd Net. September 24, 2011.

⁶⁵ Meeting with a Gorran parliamentarian.

were said to have competent politicians and to be liberal and which were likened by one source to the Justice and Development (AK) Party in Turkey.

Geographically, the social movement and demonstrations in Iraqi Kurdish areas have manifested mainly in Sulaymaniya, where the majority of the opposition members in the Kurdish parliament have their support base. Sulaymaniya also has traditionally had a more open society than the other governorates of the KRG region. A Gorran parliamentarian mentioned that the movement has no direct contacts with organizations outside Iraq. Gorran shows sympathy for Kurds in Syria and other countries but does not cooperate with their political parties. The lack of contact is mostly due to the small budget of the Gorran Movement.⁶⁶

Concerning the far left in the KRG area, authorities have refused to register the Worker Communist Party of Iraq (WCPI). WCPI offices have been closed by KRG authorities, and there have been many arrests of WCPI members in recent years, as the party is illegal; however, no charges have been raised. Some members have been arrested by the Asayish several times and subsequently released. WCPI members did take part in the spring 2011 demonstrations, and an NGO close to the party, called Network of Rights and Freedom of People, received permission for a demonstration of protest and solidarity with Tunisia and Egypt.⁶⁷

4. Economic and Humanitarian Situations

The general humanitarian situation is much better in the KRG area than in Central and Southern Iraq. According to several sources interviewed by the fact-finding mission, the key economic and humanitarian problems include unsatisfactory services, a low level of professional education, a deficient work ethic, and the lack of serious efforts to end corruption. Problems also include the fact that the KRG imports goods and workers from abroad and that the budget, which is relatively large because of natural resources, is depleted on a vast public sector with low labor productivity. Although large investments have been directed toward the building of infrastructure such as new roads and shopping malls, job creation and the development of the social sector have been neglected.

4.1. Economy

The socioeconomic situation has developed in a striking manner in the KRG region in the past few years. Until 2003, the region was generally underdeveloped. Since then, the region has undergone impressive economic development. In 1992, almost every village in the KRG area was destroyed, and the region contained many internally displaced persons. People lived on the equivalent of a few U.S. dollars per month. The disastrous Anfal campaign was followed by the KDP-PUK fratricidal civil war, which further delayed socioeconomic development in the region. Since that time, living standards have changed dramatically, however, and today migrant workers from countries such as the Philippines, Bangladesh, and Ethiopia work in the KRG region, earning salaries of \$200-\$400 a month.⁶⁸

In branches such as construction, the economy is booming. This positive development has been due mainly to the large budget the KRG area receives. The region is given 17% of the national Iraqi budget, which has amounted to approximately \$12 billion.⁶⁹ In May 2011,

⁶⁶ Meeting with a Gorran parliamentarian.

⁶⁷ Meeting with *Awene*.

⁶⁸ Meeting with a consulate.

⁶⁹ The national Iraqi budget for 2011 was based on an oil price of \$70/barrel; in May 2011, the price was over \$100/barrel, which means that the total budget and the KRG share will be further increased.

payments from Baghdad to the KRG were outstanding, as the Government of Iraq (GoI) had not yet approved the budget.

The fact-finding mission heard that despite the large budget, only limited money is available for long-term investments in sectors such as health care, social policy, and education. Approximately 70%-75% of the KRG budget is used to pay the salaries of civil servants.

The KRG welcomes foreign investments. For example two Carrefour supermarkets will be opened soon, one in Erbil and another in Sulaymaniya.



The white building in the background is a large mall in Erbil.

4.1.1. Construction boom

New buildings and resorts are highly visible everywhere in Erbil and Sulaymaniya. Today there are many good-quality malls in the KRG area, which is a marked development compared with several years ago, when there was one luxury supermarket in the KRG region. Activities such as ice-skating, riding cable cars, playing mini golf, and car racing were witnessed by the fact-finding mission in Erbil. A mega-cinema with 14 screens is under construction in the Family Mall in Erbil.

In recent years, most investments have been directed at infrastructure and the construction business. Construction projects have the advantage of providing the quickest and safest return on investments.⁷⁰ Prices of many products have increased 300%-400% in recent years. Approximately 75%-80% of the construction business (e.g., roads, tunnels, silos, dams, houses, major airports) is in the hands of Turkish companies,⁷¹ as is the majority of trade (i.e., about 75% of all consumer goods are imported from Turkey). Turkey's geographical proximity to the KRG region gives it a competitive advantage. Turkey also has

⁷⁰ For example, in the English village, it costs about \$85,000 to build a house, but you could sell it shortly afterward for \$350,000 (an increase of more than 300%).

⁷¹ According to a consulate, there are more than 500 Turkish companies in the KRG region.

an interest in the natural resources of the KRG region, as that country has a high demand for natural gas.⁷²

Despite a veritable construction boom, in many ways the economy of the KRG region remains unsustainable and unproductive. There is almost no industrial activity or productive factories. Sources told the fact-finding mission that almost everything is imported⁷³ these days, even tomatoes.⁷⁴ The range of goods is satisfactory, but it is not easy to find Iraqi products in the KRG region. There are essentially no modern dairy farms in the area, although before the fact-finding mission, the KRG had promised to give loans of 100 million Iraqi dinars (\$84,000) to farmers who sought to build a dairy farm.⁷⁵ Agriculture in the KRG region was widely destroyed during the Anfal operations and Saddam Hussein's rule in general and is largely neglected today, despite the obviously fertile land.



New skyscrapers under construction in Sulaymaniya.

4.1.2. Corruption and Nepotism

Corruption and nepotism are widespread in the Iraqi Kurdish region. Some sources mentioned that about 30% of the budget is lost to corruption. According to Iraqi authorities, in April 2011 two anti-corruption laws and committees were approved.⁷⁶ Obviously, the work of the committees has not taken effect yet. The private sector is interwoven with the public sector. The fact-finding mission was told that one cannot make major business deals without involving one of the important families in the Kurdish areas (e.g., the Barzanis, Talabanis).

⁷² Meeting with a consulate.

⁷³ Apples are imported from New Zealand and Chile, ice cream from Iran, yogurt from Lebanon, chicken from Brazil, etc. Most other agricultural products are imported from Turkey.

⁷⁴ Many interviewed sources mentioned that it's cheaper today to import goods from Syria and Iran than to grow your own agricultural goods.

⁷⁵ *Iraq Daily Times*. April 15, 2011.

⁷⁶ Meeting with KRG authorities.

In both the public and private sectors, people are employed because of their party membership and relations rather than their professional qualifications. According to several sources, without connections, it is very difficult to find a decent job in the KRG area. Steps to improve this situation in the public sector are planned, including an electronic and more transparent application process for state employees.⁷⁷

4.1.3. Job opportunities / unemployment / foreign workers

The unemployment rate in the KRG area varies between 30% and 80%, depending on how it is computed. Different sources gave the fact-finding mission different estimates. Unemployment is high despite a large number of civil servants. At the same time, there are many foreign workers in the KRG region. According to several sources, the GoI and the KRG employ far too many people. At the same time, productivity in government offices is low. About 70% of the KRG budget is used to pay the salaries of state employees, and approximately 75% of the population receives a government salary. One source compared this phenomenon to a direct and hidden social security system. The fact-finding mission was also told that there is a tendency to raise government salaries when there is popular unrest.⁷⁸ In the KRG area, the unemployed receive benefits amounting to \$20 or more per month.⁷⁹

The fact-finding mission learned that graduate students in the KRG area often have no options other than working in the public sector or leaving the country. Although there is a law requiring that companies in the oil and gas sector give priority to local people in recruitment, in reality the law is rarely implemented. Instead, the number of foreign workers in the KRG area is actually increasing. KRG authorities explained to the fact-finding mission that this has occurred mainly because Kurds typically prefer easygoing government jobs to more demanding jobs in the private sector. Thus, foreign workers can be found in cleaning jobs, on hotel staffs, etc.⁸⁰ Several consulates maintained that many Turkish Kurds are brought to the KRG area in order to fill jobs that the local population is unwilling to do.

The Ministry of Social Affairs is in charge of foreign workers, who face increasing problems regarding their working conditions. The fact-finding mission learned that some employers retain the passports of foreign workers, hindering their movement. The KRG was said to protect local companies rather than their foreign workers.

4.2. Infrastructure

4.2.1. Regional differences

The fact-finding mission learned that the distribution of finances between KDP- and PUK-controlled areas is functioning well. Payments from Baghdad are distributed somewhat evenly between different areas in the KRG region. However, there are obvious differences in investments and the development of infrastructures between the KRG area and the so-called disputed areas. For example, prestigious buildings are mainly constructed in the KRG area (and Erbil in particular).

The fact-finding mission witnessed differences in welfare within the KRG region as well. For instance, Dohuk appears to be much richer and better cared for than Halabja. Obviously,

⁷⁷ Meeting with KRG authorities.

⁷⁸ Meeting with a consulate.

⁷⁹ Meetings with Western consulates and the KCRO.

⁸⁰ Meeting with KRG authorities. A non-governmental source explained, however, that the government is blaming ordinary Kurds for laziness so that cheap foreign labor can be imported to the region.

Public

Dohuk has an extensive export and import trade with Turkey, and the presence of Turkish cars, trucks, and goods is very high there. Erbil also contains many Turkish companies and schools. In Sulaymaniya, commercial life seemed vivid and busy. Halabja, in contrast, is economically depressed, and the quality of the infrastructure is poor. The Halabjans feel that the KRG has neglected the area.

The reconstruction of Halabja has officially begun only in recent years. Even wealthy people in Halabja prefer to invest in Sulaymaniya because it is more profitable there. Practically all the investments in Halabja have been directed at the health sector (because of the 1988 gas attacks and the lingering health problems experienced by many people). Much of this investment has come from abroad, from states, and from aid organizations. The city's closeness with Iran was noted by the fact-finding mission, as many Iranians work in restaurants in Halabja.

Halabja has no cinema, no reliable Internet connections, no modern coffee shops, and no entertainment for youth. Many young people leave Halabja, and university graduates do not return to the area. The fact-finding mission was told that there are no jobs for well-educated people in the city. Before the gas attack on Halabja by Saddam Hussein's forces in 1988, 75,000 people lived in the city. Today the population is about 56,000. This is the reverse of the steady population growth in other cities in the KRG area. The fact-finding mission was told that in Halabja the population has decreased because of the lack of development in the city.⁸¹

The disputed areas suffer from a lack of services (e.g., water, health, electricity, schools). The economy (mainly agriculture based) has suffered in recent years because of the drought and the depleted livestock. Subjectively, cattle breeding has been reduced and there appeared to be fewer sheep herds compared with 2007. Many disputed areas are controlled by a double administration; for instance, the Sinjar district is legally located under the Mosul administration but is de facto controlled by the KRG. Double administration often ends up weakening the local economy, as neither administration is willing to properly support the area.⁸²

4.2.2. Accommodations

The fact-finding mission heard from some sources that there is a lack of apartments in the KRG area. Other sources said that the number of apartments is not a problem, but that prices are too high for ordinary citizens. The average salary for a civil servant is \$400-\$500, whereas the rental price of many houses is up to \$3000 per month.

⁸¹ Meeting with Radio Denge Nwe.

⁸² See for instance KCRO, July 2010, regarding the Sinjar district.



Market in Sulaymaniya, May 2011.

4.2.3. Fuel / water / electricity

There is a shortage of domestically refined fossil fuels, so refined oil products have to be imported. Oil prices are largely state subsidized. This has created a black market for cheap fuel. In 2007, when both the Swiss and Finnish Immigration services last visited Northern Iraq, long lines were seen in front of gas stations. In spring 2011, there seemed to be lines of mainly taxis and buses in front of gas stations with state-subsidized fuel.

People do not have access to clean water everywhere in the KRG region. However, the quality of the water is generally satisfactory. There is a lack of infrastructure for conveying sewage. There is a master plan for waste management in Dohuk, and a master plan is also being developed for Erbil and Sulaymaniya.⁸³ Many sanitary installations need to be restored. The fact-finding mission was told that water and sanitary infrastructure in Iraqi Kurdish areas has suffered from decades of neglect and minimal budgetary allocations. This makes it hard to respond to current and future water demands.

After a near collapse of the electrical system in 2003 and a subsequent massive investment in the energy sector, the KRG region today produces 2500 MW of electricity (compared with 7500 MW for the rest of Iraq). The KRG region has 20 hours of electricity per day. This is a great improvement compared with 2007, when there were only a few hours of electricity per day and multiple power interruptions occurred on a daily basis.

⁸³ Meeting with UNICEF Iraq in Erbil; Kurdiu.org. July 3, 2011.



Electricity net in Akre.

4.2.4. Traffic / telecommunications / banks

Streets in the KRG area are normally in good condition, and many new quarters are being built. The larger cities are well connected by a network of good roads. Erbil International Airport has been rebuilt; the large airport is very modern and has the capacity to process an increased number of flights and passengers.

There have been significant improvements in the telecommunications sector as well. Mobile phone coverage has improved substantially. The main mobile phone operators are Korek and Asiacell. Korek, which was established in Erbil, is owned by a nephew of KRG President Massoud Barzani.⁸⁴ Asiacell is based in Sulaymaniya. According to some sources, the PUK controls some of Asiacell's shares.

The banking and insurance systems remain underdeveloped. Large loans are hard to obtain, and there is no system in place to protect insurance companies from losses.

4.2.5. Education

The fact-finding mission was told that basic education in the Iraqi Kurdish area is underdeveloped. Most children receive about four hours of education per day in elementary school. Most teachers are not sufficiently trained and use traditional teaching methods. Schools are also often crowded; there are not enough school buildings, and children attend

⁸⁴ The Kurdish Globe. June 18, 2011.

Public

school in shifts. There are also poorly built schools that lack infrastructure, particularly in the countryside.⁸⁵

Access to education in Arabic is limited for many IDP children who have come from Central and Southern Iraq. However, several new schools and universities that do teach in Arabic and Turkish have opened in recent years. There are also several international schools in the KRG area, e.g., a German school in Erbil and French schools in Erbil and Sulaymaniya. Elementary schools are free of charge, but good private schools can cost \$2000-\$3000 per child per year.⁸⁶

The illiteracy rate is still high. One in five Iraqis aged 10-49 cannot read or write. Significant disparities in illiteracy rates occur across genders (women: 24%, men: 11%) and rural areas (25%) versus urban areas (14%). Illiteracy rates are highest in the KRG governorates of Dohuk and Sulaymaniya. The situation has improved at the primary school level, particularly in urban areas. At the same time, there is a high dropout rate during the transition from primary to secondary school. This affects girls in particular.⁸⁷

The fact-finding mission learned that the main reasons for not attending school include the parents' refusal, the financial constraints of the family, the remote location of the school, and cases when work is given priority over school. These explanations apply to both boys and girls. Girls tend to work more within the household. There are also street children in the KRG area.⁸⁸ Some NGOs run schools and cultural centers to help working and homeless children, many of whom live in the streets and are victims of abuse.

Normally, children enter primary school at the age of 6 and finish at the age of 12. There are some teenagers who have not attended primary school at all. For them, the NGO Kurdistan Save the Children offers an education program that includes taking two classes a year and thus passing primary school in three years instead of the typical six years. The NGO also helps poor families suffering from malnutrition, as their children are able to eat at school. Kurdistan Save the Children also runs an exemplary school for children aged 12-18 years in Sulaymaniya that offers a high-quality education, with many subjects taught in English.⁸⁹

Concerning the level of academic study in the KRG region, some sources maintained that academic work often lacks advanced theoretical background and critical analysis. Research methods need to be developed. The fact-finding mission was told that currently a doctoral dissertation can be written in six months, although the total length of PhD studies is three years.

At the same time, several universities in the region have improved their schedules and brought in new teaching staff from abroad. Many students have been sent for exchange studies in Europe through programs such as Erasmus Mundus. Many exchange students who receive a master's degree or a PhD abroad return to the Iraqi Kurdish area and accept academic jobs. For example, the University of Dohuk has several exchange programs and good relationships with foreign universities.⁹⁰

The official language at universities in the KRG region is Kurdish, but many subjects such as law are also taught in Arabic by professors from Baghdad and elsewhere in Iraq. At the private Karadagh University all subjects are taught in Arabic.⁹¹

⁸⁵ Meeting with UNICEF Iraq in Erbil.

⁸⁶ Meeting with IOM Iraq in Erbil.

⁸⁷ Inter-Agency Information and Analysis Unit (IAU). September 2010; UNICEF did not have statistics specifically for the KRG area.

⁸⁸ Meeting with Kurdistan Save the Children.

⁸⁹ Meeting with Kurdistan Save the Children.

⁹⁰ Meeting with the University of Duhok.

⁹¹ Meetings with the University of Duhok and Khanzad Social and Cultural Organization.

A significant problem in the KRG area is the lack of know-how and specialized education in many areas. At the same time, many well-educated people are unemployed.

5. Law Enforcement

Law enforcement still needs much improvement in the KRG region. Several interviewed sources also mentioned that the justice system needs reform. Currently, court cases can carry on for years. According to the Gorran Movement, laws on social issues and the economy should be reformed. Some laws have been recently amended, but implementation in general remains a problem. Confessions possibly made under torture during custody are still accepted as proof of guilt by the tribunals. As long as these confessions are considered valid, torture will continue to be used.⁹²

5.1. Security forces in the KRG

5.1.1. Peshmerga

The Peshmerga are the Kurdish National Military Force. They are responsible for securing the border of the KRG region and assume the roles of both army and border police. The Peshmerga number some 200,000 and are known for their effective maneuvers. The KDP and PUK administrations and the respective Peshmerga forces were united de jure in 2009 under the KRG Ministry of Peshmerga Affairs. In reality, however, the unification of the Peshmerga is ongoing, and Peshmerga forces are still strongly affiliated with their respective political parties. Some sources described this as a mental separation. The KDP Peshmerga wear red berets in Erbil and Dohuk provinces, whereas the PUK Peshmerga wear green berets in Sulaymaniya. There are also Peshmerga in the disputed areas; for example, approximately 2000 have been deployed in Kirkuk. International organizations have trained KRG security forces, including the Peshmerga, in humanitarian law.⁹³

No compulsory military service exists in the KRG region. One is free to join a Peshmerga unit and to leave the organization. The Peshmerga occupation is popular, the salary is approximately \$500-\$700 per month, and the actual work is often not very demanding. According to one source, the work schedule for many involves a rotation of 10 days on and 20 days off work. Several interviewed sources indicated that desertion from the Peshmerga today is not a serious issue. It can be more difficult for high-ranking Peshmerga to leave, and there can be repercussions, but not for low-ranking Peshmerga. According to sources interviewed by the fact-finding mission, being a Peshmerga today is basically just a job.

5.1.2. Police and the Zerevani

About 100,000 people work in the ordinary police forces or serve in the militarized Zerevani police force of the KRG. The police forces are under the control of the Interior Ministry of the KRG, whereas the Zerevani is a reserve military unit, or paramilitary special unit, that belongs de jure to the KRG Ministry of the Interior (Mol). The Zerevani are in charge of securing military installations, airports, and oil fields. Some sources referred to the unit as "Zerevani Peshmerga." According to an international organization, a Zerevani unit with red berets belonging to the KDP was sent to Sulaymaniya during the demonstrations and was withdrawn after strong protests by the PUK and the people of Sulaymaniya.⁹⁴ Different

⁹² Meeting with an international organization.

⁹³ Meeting with an international organization; Asharq Al-Awsat. June 17, 2011.

⁹⁴ Meeting with an international organization.

Public

sources gave the fact-finding mission different interpretations of the role and status of the Zerevani in the police force.

KRG authorities have acknowledged that the skills of the security forces need to be improved and have welcomed new training projects. For instance, the EU trains KRG police forces in riot control and how to deal with demonstrations and abuse against women. Some states also have bilateral training of the police.⁹⁵



A traffic police officer near Sulaymaniya.

International organizations and several NGOs train court employees, police, and other security forces in detention issues, the conduct of hostilities, and human rights. The fact-finding mission learned that educating security forces about human rights still presents many challenges, but human rights awareness is slowly growing among the police.⁹⁶ Since last year, police academies in Erbil and Sulaymaniya have offered courses on human rights, abuses against women and children, and methods to improve sensitivity and awareness toward women and children in crisis situations and decrease violence and abuse in prisons. These training courses are increasingly common for KRG staff as well.⁹⁷

Police are being trained across the KRG region. For instance, the NGO Khanzad organizes workshops for Asayish and police officers in district towns in the Sulaymaniya province. The fact-finding mission learned that because of the low level of education of many policemen, traditional attitudes toward women prevail. The workshops are accompanied by awareness programs on violence against women and children in rural areas and the creation of an early-

⁹⁵ Meeting with KRG authorities.

⁹⁶ Meeting with NPA.

⁹⁷ Meeting with Asuda.

warning network for women in crisis situations that includes local village elders, religious leaders, and female activists.⁹⁸

5.1.3. Asayish

The Asayish belong formally to the KRG Council of Ministers and are officially responsible for combating financial crimes, terrorism, and drug crimes. In actuality, there are two Asayish security departments, *Hezakani Asaishi Parti* of the KDP and *Hezakani Asaishi Yaketi* of the PUK. These organizations were described to the fact-finding mission as operational arms of the KRG intelligence services. The unification of the KDP and PUK administrations is ongoing. Only after the mass demonstrations in the spring of 2011 in the Iraqi Kurdish areas was the unification of the Asayish security departments announced.⁹⁹

In May 2011, a new law uniting the two Asayish security departments was passed in the KRG Parliament.¹⁰⁰ The fact-finding mission was told by several sources that the new law was welcomed by both PUK and KDP authorities.¹⁰¹ At the same time, sources were unaware of how the unification would be implemented and had doubts about the outcome. In addition to their role in the KRG region, Asayish forces have also had a significant presence in Kirkuk and other disputed areas for several years.

5.1.4. Intelligence services (Parastin and Zanyari)

The KDP and PUK have their own intelligence agencies: the Parastin and Zanyari, respectively. As with the Asayish, the unification of the intelligence services was announced after the mass demonstrations in the spring of 2011.¹⁰² The fact-finding mission did not receive information about the specific role of the intelligence services.

5.2. Prisons

There are different types of detention centers in the three governorates of the KRG region and the disputed areas. The centers are mainly controlled by the KRG MoI, the Iraqi Ministry of Defense (MoD), and the KRG Ministry of Labor and Social Affairs (MoLSA). No prisons are run by the Ministry of Justice (MoJ) in the KRG. The fact-finding mission learned that there are approximately 30 detention centers and approximately 3000-4000 detainees in the KRG area. According to an NGO working with human rights issues, the standards in official prisons are good. New buildings and facilities are being built in Erbil and Sulaymaniya.

According to KRG authorities, there is one pretrial detention center per governorate in Dohuk, Erbil, and Sulaymaniya. A fourth pretrial detention center is scheduled for the Germian region. Pretrial detention centers for suspects are generally under the control of the KRG MoI. Prisons for sentenced and convicted persons are under the control of the KRG MoLSA. The fact-finding mission learned that the prisons under MoLSA control are often overcrowded and do not meet minimum hygiene standards. For example, a toilet may be shared by 70 inmates. The fact-finding mission learned that food and accommodations for inmates in KRG prisons are generally satisfactory.

⁹⁸ See Haukari e.V. reports.

⁹⁹ Kurd Net. April 14, 2011.

¹⁰⁰ According to several interviewed sources, this law is a reaction to the demonstrations in the KRG area in the spring of 2011.

¹⁰¹ Meetings with KRG authorities and other sources in Erbil and Sulaymaniya.

¹⁰² Kurd Net. April 14, 2011.

The fact-finding mission was able to visit four prisons and detention centers for women and juveniles in Sulaymaniya. As a result of the work of the NGO Khanzad Social and Cultural Organization, significant improvement has been achieved since 1999 in detention conditions for women and young people in Sulaymaniya. Sensitivity and awareness of living conditions within prisons has been raised significantly among the police and security staff. Female guards and police officers as well as social workers have been employed. The two women's prisons visited by the fact-finding mission can be seen as model facilities. Both are headed by female directors and staffed by female guards. With the help of the NGO Khanzad, the cells are relatively spacious and furnished with a fridge, TV, and air conditioning.¹⁰³

Several official and unofficial sources stated that official prisons in the KRG area rank among the best in the Middle East. At the same time, several sources mentioned that informal prisons, run mainly by the Asayish and / or the Parastin and Zanyari, exist, although their locations are unknown and they are apparently not visited by international organizations. Conditions in these prisons are thought to be bad. The fact-finding mission learned that up to 20% of detainees claim that they were arrested in informal detention centers run by the Asayish and the Parastin. People from the disputed areas are more often held in these detention centers.¹⁰⁴

5.2.1. Women's Pretrial Detention Center "Taze"

This pretrial detention center is run by the Ministry of Interior of the KRG and is the only such center in the governorate of Sulaymaniya. The detention center has units for both men and women. At the time of the fact-finding mission's visit, there were 248 inmates, 16 of whom were women. On average, there are 8-10 women in Taze. At the time of the visit, there were 124 staff members (i.e., guards and police) in the center, 18 of whom were female officers working in the women's unit. Each cell was shared by two or three women and had a bathroom. Although the unit for women had an almost homey atmosphere, the unit for men had a more bleak, ascetic, and crowded appearance. Monday is visitors' day for male inmates, Wednesday for female inmates.

5.2.2. Women's Detention Center at Salam Camp

This detention center near Sulaymaniya is run by the MoLSA. There are, on average, 20-30 women in Salam Camp; at the time of the visit by the fact-finding mission, there were 24. Salam Camp includes a separate building for men. The total number of inmates in Salam Camp is about 700. Because the prison is small, the men's building is apparently quite crowded.

The fact-finding mission was told that four women at Salam Camp had been sentenced to death but that Iraqi President Jalal Talabani, who opposes the death penalty, had intervened, and the death penalties were commuted to life sentences or prison terms of about 20 years. Regular visiting times are twice a week at Salam Camp. At the time of the visit, there were six married couples in the center. Special arrangements were made so that the spouses could visit each other.

Inmates are able to work in Salam Camp, e.g., manufacturing shoes. Women are not obliged to work, but many poor women do work to save some money. The inmates can buy food and cook their own meals. There is a school in Salam Camp where inmates can catch up on their studies. Two grades are completed in one year, up to the ninth grade. The inmates of Salam Camp can also continue their studies at a high school or university, even earning high-level academic degrees.

¹⁰³ Meeting with Khanzad Social and Cultural Organization; Haukari e.V. reports.

¹⁰⁴ Meeting with an international organization.

5.2.3. Juvenile Pretrial Detention Center and Juvenile Detention Center at Salam Camp

These detention centers are run by the MoLSA. During the visit by the fact-finding mission, there were 12 underaged boys in the pretrial juvenile detention center and 9 boys below the age of 18 in the juvenile detention center. There are on average 1-7 underaged girls in the detention centers. All the children in these institutions are between 11 and 18 years old. When a girl has her 18th birthday, she is simply moved to another room meant for adult women, as long as space is available. The women's detention center and the detention centers for juveniles are in the same location. When boys attain full age, they are moved to the crowded men's prison. This is a harsh situation for young men. At the time of the visit, a separate prison for young men between the ages of 18 and 23 was under construction.¹⁰⁵

5.2.4. Documents concerning detention

At Salam Camp no documents are issued. All documents—for example, those attesting to the length of the prison sentence and the effective time spent in prison—are issued by the courts. However, no documents are issued automatically by the courts. Documents are provided only if a convicted person demands a record of the judgment or an attestation of the prison term. Each prison has records (i.e., “a book”) where inmates are listed and particular events are marked down. The fact-finding mission was told that the Women's Detention Center at Salam Camp had received no requests for documents from former inmates or any other actors, such as an employer.

5.3. Judiciary / courts

5.3.1. Structure of the justice system

According to several interviewed sources, the justice system in the Iraqi Kurdish areas is making an effort to meet international standards, but severe deficiencies remain, especially with respect to the independence of judges. Access to justice remains limited for the poor and for women, and judicial institutions have capacity constraints. The fact-finding mission heard that until 2003 or 2004, a judge working in the KRG justice system de facto had to belong to a political party (i.e., the KDP or PUK). According to some interviewed sources, there are currently independent judges in Sulaymaniya who do not belong to either ruling party. Since 2000, there have also been three female judges in Sulaymaniya.

The fact-finding mission was told that compared with the MoI and the MoLSA, the MoJ of the KRG does not have much influence in the region. The judiciary in the KRG used to be under the control of the MoJ, but since May 2009, the judiciary has been run by the Judicial Council under the leadership of the chief justice of the highest court.¹⁰⁶ The MoJ today is said to have a symbolic role in overseeing courts, without actually having much power over them. The MoJ has a general directorate and bodies that examine legislation, work with issues related to property and real estate, and deal with birth and death certificates and issues concerning minors.¹⁰⁷

The Judicial Council of the KRG nominates the members of the courts. The head of the Judicial Council oversees judges, the courts, and the members of the KRG Supreme Court. The Judicial Council is legally independent from both the MoJ and the MoI. The Supreme Court is also legally independent from the MoJ and is composed of three judges, three

¹⁰⁵ Meeting with Khanzad Social and Cultural Organization.

¹⁰⁶ KRG.org. May 23, 2009.

¹⁰⁷ MoJ Web pages: http://www.mojkurdistan.com/Kurdish_Malper.aspx (Accessed October 8, 2011).

professors on legal issues, and the court's general director. Candidates for the Supreme Court are nominated by a joint council of the MoJ and the Judicial Council.

The president of the KRG decides which candidates become members of the Supreme Court. This indicates that the executive and the judiciary are not totally separated. Court decisions can be appealed. The Supreme Court is the ultimate appellate body in the KRG. In the KRG area, the salary of a newly appointed judge is about 3.5 million Iraqi dinar (IQD), and experienced lawyers can earn up to 7 million IQD (\$6000).

If a person cannot afford a lawyer, he or she is provided legal assistance paid for by the KRG. There are several bar associations in the KRG area in addition to the official Bar Association. Many legal associations in the KRG area are linked to the main political parties.

5.3.2. Courts

There are several special court systems in the KRG. These include the military courts, courts belonging to the Mol, family courts, and tribal courts. Breaches of law by the Peshmerga are dealt with by a military court. Cases involving the police and Zerevanis are processed by a court of the Mol. The Supreme Court basically oversees both the military and Mol courts. Family courts are in charge of any issues pertaining to families and children. The general prosecutor of the KRG defends the rights of women and children in the courts. Separate civil courts for Muslims and Christians handle issues such as marriages and the rights of children.

Tribal courts still exist in the KRG area. According to KRG authorities, tribal courts are seen as a remnant of the old regime. Although the tribal courts are not legal in the KRG region, families often revert to them when they are dissatisfied with the decisions of the civil courts. Tribal courts are mostly found in rural areas, but their number is decreasing.¹⁰⁸

The judiciary in Kirkuk operates under the Iraqi Ministry of Justice in Baghdad. In the disputed areas, land disputes remain largely unresolved. According to several interviewed sources, many persons arrested in the disputed areas are taken to the KRG area by authorities. The fact-finding mission learned that between 2003 and 2008 several of these people disappeared and have not been found. Apparently, such cases have decreased since 2009.

5.3.3. Release on bail / possibility of pardon

Release on bail is possible in the KRG region except in cases of murder and terrorism. A pardon is also possible for petty crimes or in case of illness. Amnesties are typically announced by the KRG president during festivities.

5.3.4. Evidence – burden of proof

The fact-finding mission did not conclusively determine whether the burden of proof in court cases lies generally with the accuser or the accused. The mission learned that in the case of terrorist acts, the burden of proof lies with the accused. This appears to be the case with many other crimes as well.

According to the antiterrorism law, a person can be arrested based on mere suspicion of membership in a terrorist organization. Legally, such persons can be held in detention only up to 6 months without trial; but, de facto, many detainees are held behind bars for years.

¹⁰⁸ Meeting with an international organization.

Obviously, rules of detention such as the length of confinement do not apply in informal detention centers.¹⁰⁹

5.3.5. Concerning the rule of law and the application of some laws

The UNDP supports the Iraqi judiciary in the enhancement of the rule of law, the framework of which is already well established in Iraqi laws. Together with the Ministry of Justice, judges and prosecutors are trained on the rule of law at the Judicial Training Institute (JTI). The trainees include university professors and other legal experts such as lawyers. The judiciary receives continuous training at the Judicial Development Institute (JDI) in Baghdad. Components of the civil law curricula are being developed by the UNDP and its partners, and the U.S. government is helping to develop a criminal law curriculum as well as some aspects of commercial law.

Strengthening administration of the courts is a priority. To date, with the support of the UNDP, three pilot courts have been set up in Erbil, Baghdad, and Basra. The new courts have a unified, computer-supported case management system. The plan is for the case management system to work in a unified fashion in all of Iraq. Antiterrorism laws, gender-based violence, and human rights in general have also been emphasized. In these cases, the UNDP works with the High Administrative Council, and training is given to Iraqi officials in Erbil, Baghdad, Basra, and abroad.

Investigating officers such as judges are being trained in Dubai, mainly in administrative issues of the court of law. The trained investigating judges should be able to process all complaints from ordinary people, irrespective of ethnicity, religion, or other distinguishing characteristics, in courts around Iraq in the future. They will have their own offices, with support from a prosecutor and police officer. The UNDP will also support some of these offices. In addition, legal aid centers dealing with violence against women have been set up in the Erbil, Sulaymaniya, and Dohuk governorates.¹¹⁰

The fact-finding mission learned that most of the articles of the old penal code (i.e., Uqubat) from the time of Saddam Hussein's regime are still valid in the KRG region. Some amendments have been made, e.g., concerning polygamy. Polygamy is not forbidden, but its application has been complicated by the amendments, which state that the first wife must either be ill or agree to the second marriage of her husband as a condition.

The fact-finding mission heard that the sentence for *adultery* ranges from two months to two years in prison. The penalty depends on the possible repetition of adultery. According to KRG authorities and other sources, the maximum time for pretrial custody is six months. However, in murder cases the maximum pretrial custody period is two years. Murderers typically receive a 15- to 20-year sentence.

According to the UNHCR, there is no risk of *double jeopardy* in the KRG region. A criminal who served his sentence abroad should not be convicted again upon return to the KRG area.¹¹¹ The UNDP has been working on an Iraqi legal database (ILD) since 2004 that includes all Iraqi constitutions from the 1920s onward. The laws in the database are in Arabic, and there is currently no plan to translate them into English.¹¹²

¹⁰⁹ Meeting with an international organization.

¹¹⁰ Meeting with UNDP in Amman; UNDP. March 2011(a).

¹¹¹ Meeting with UNHCR Iraq in Erbil.

¹¹² ILD Web pages: <http://www.iraq-ild.org/AboutEn.aspx> (Accessed October 9, 2011).

6. Human Rights Situation

6.1. Human Rights in Iraq

In Iraq, human rights institutions remain weak. Nevertheless, the Ministry of Human Rights in Iraq is relatively active in its work, and an independent human rights commission should be created in the near future. The EU has earmarked financial support to provide for institutional development and capacity building for the staff. At the time of the fact-finding mission there was cautious optimism that the independence of the human rights commission would be secured.¹¹³

Human rights are a priority for UN support to Iraq in the upcoming years.¹¹⁴ The capacity of the Iraqi state to rule by law has been weakened by years of violence and the degradation of state institutions. Law No. 53 (2008) on the High Commission of Human Rights (CoR) in Iraq is seen as an important step in strengthening the nation's protective system and rule of law. The commission receives UN support during nomination and appointment procedures so an institution with a timely and transparent process, public outreach, capacity development, and sufficient funding can be achieved.¹¹⁵

As was seen during the pro-democracy demonstrations in 2010, activism in Iraq is risky. Lawyers, journalists, and trade unions face problems with authorities. Many international organizations still have their headquarters outside Iraq. Some local and international NGOs have complained about a lack of trust from the UN, explaining that international funding is directed mostly to macro-level organizations, even though small NGOs often have better local networks and better outreach to local people.¹¹⁶

6.2. Human Rights in Iraqi Kurdish Areas

The human rights situation in Iraqi Kurdistan has been volatile in 2011 and has worsened in recent months as a result of the crackdown on the pro-democracy demonstrations. Pro-democracy activists and journalists have become victims of violence and harassment. The improvement of human rights has been one of the main demands of the protesters.¹¹⁷ There are no legal channels to monitor major political entities such as the ruling parties.¹¹⁸

6.3. Groups at risk

In the Kurdish areas of Iraq, the UNHCR mentioned recent violations against journalists and other media workers, sexual- and gender-based violence (SGBV), honor violence,¹¹⁹ early marriages, violence against LGBT individuals, and attacks against persons involved in tribal disputes. Violence against religious and ethnic minorities such as Christians and Yazidis continues to occur. High-profile Iranian refugees may be targeted by Iranian intelligence agencies. According to the UNHCR, other groups at risk include IDPs and returnees, whose problems are exacerbated by factors directly related to their displacement.¹²⁰

¹¹³ Meeting with the Delegation of the European Union to the Republic of Iraq.

¹¹⁴ United Nations. *Draft Country programme document for Iraq 2011-2014*.

¹¹⁵ UNDP. March 2011(a, b).

¹¹⁶ Meeting with NGOs in Amman.

¹¹⁷ UNHCR. *Critical Activities in Iraq 2011/2012*.

¹¹⁸ Meeting with a media expert in Amman.

¹¹⁹ For violence against women and honor killings, see Chapter 7.

¹²⁰ Meetings with UNHCR Amman and UNHCR Erbil.

6.4. Press freedom and freedom of expression in Iraqi Kurdish areas

Journalists with the independent media are currently at risk of politically motivated violence perpetrated by security forces and armed thugs. Other persecution against journalists such as threats, detention, harassment, and destruction of property are also possible.¹²¹ Regrettably, Asos Hardi, the editor of *Awene* newspaper who met with the fact-finding mission in May, was severely beaten outside the *Awene* office in Sulaymaniya by an armed assailant on August 29, 2011. The editor believes that the attack was directly related to his work as a journalist.¹²² On September 7, 2011, *Lvin* magazine Editor Ahmed Mira was detained and beaten by men wearing the military uniforms of the special forces in Sulaymaniya. KRG security forces have denied involvement in the incident.¹²³ The situation for journalists is also dangerous in the disputed areas, for instance, in Kirkuk.¹²⁴

There are some limits to reporting in the Iraqi Kurdish areas. The president of the KRG and high-ranking politicians can de facto not be criticized. Critique of family members of politicians is also a so-called red line. Reporting on the corruption of local authorities such as governors can also be dangerous, and there have been threats against journalists by local authorities. In such cases, journalists have been arrested, and court cases have been raised against them. The illegal granting of government land to notables is also an issue to be avoided. There is no direct censorship of newspapers, TV, or the Internet, but in practice, threats may lead to self-censorship.¹²⁵

In the Iraqi Kurdish areas, news outlets have multiplied in recent years. The fact-finding mission was told by a source that there are essentially three kinds of newspapers in the Kurdish area. First, most newspapers are politically affiliated, meaning everyone from office helpers to the editor is connected to the respective political party. Second, some newspapers are linked to civil society, but these, in turn, are linked to a political party. Third, there are the independent newspapers, which are under constant pressure from the authorities. The fact-finding mission also heard that the local media do not have a code of conduct, which has caused trouble for them.

The fact-finding mission was told that there are essentially no independent media in the Dohuk and Erbil governorates. Powerful tribes appear to be more influential there than in Sulaymaniya, and journalists are under pressure from the security forces. People are not willing to protest in Dohuk for fear of consequences. The two main daily newspapers in Dohuk are funded and managed by the KDP, although some satellite channels belong to the opposition parties (i.e., the Gorran, KIG, and KIU). The fact-finding mission was told that media linked to the opposition parties, such as satellite TV stations, are apprehensive about covering stories in Erbil. The PUK is said to be more open to criticism than the KDP.

A media expert in Amman maintained that executive powers control the judiciary and can influence the outcome of court cases. Courts have imposed large monetary fines against media outlets. Another form of harassment journalists face in Iraqi Kurdish areas is not being invited to press conferences or other significant events or not being informed of such events in advance. Threats against journalists are often anonymous and triggered by earlier reporting by the media outlet in question.¹²⁶

Another means of press persecution involves shutting down media outlets or cutting their financial support. In May 2011 (i.e., during the mass demonstrations), it was noted that monthly stipends from the KRG to some media outlets and publications were decreased or

¹²¹ See Chapter 3 for more information on the recent persecution of the independent media in the KRG area.

¹²² Human Rights Watch. August 29, 2011; Kurdsat. August 31, 2011; CPJ. August 31, 2011.

¹²³ RSF. September 8, 2011.

¹²⁴ Meeting with a media expert in Amman.

¹²⁵ Meeting with a media expert in Amman.

¹²⁶ Meeting with a media expert in Amman.

canceled. For example, funding for *Biav* magazine, which publishes literary and philosophical articles in both Badinan and Sorani, was cut in May.¹²⁷ Some media outlets have shut down, whereas media outlets close to political parties have been getting relatively more support.¹²⁸

During the fact-finding mission, it was announced that the KRG Ministry of Culture and Youth would impose new regulations on all licensed media and shut down unlicensed media outlets. The ministry announced that approximately 30 radio and TV stations as well as 50 newspapers and magazines in Iraqi Kurdish areas were operating without the official permission of the government. The opposition claimed that the planned closure of media outlets was politically motivated.¹²⁹

At the time of the fact-finding mission, a draft law establishing a high media council in Iraqi Kurdish areas was being prepared by professors at Salahaddin University. According to the plan, the council would monitor media outlets in the area and possibly investigate violence against journalists. Both independent and opposition media outlets rejected the idea of the council, suspecting that the ruling parties would use it to further control the media and diminish freedom of the press. The current journalists' syndicate is also affiliated with the main political parties.¹³⁰

In a joint statement, *Awene* and *Hawlati* and *Lvin* magazines maintained that the aim of the proposed high media council was simply to control the media. The magazines in question had not been invited to discuss the draft law. Independent media outlets also stated that the nine members elected to the board of the council would not be neutral because, according to the draft law, they would be chosen by the president, prime minister, and speaker of the KRG parliament, who represent the ruling KDP and PUK parties.¹³¹

6.5. Blood feuds

The fact-finding mission learned that blood feuds are very limited, but they still exist in the Iraqi Kurdish areas. Disputes between families are often solved and mediated by tribal leaders and sometimes in the courts, and monetary compensation is often used. In Dohuk there is also a social department that specializes in solving disputes. Mediation is not always successful but does solve many cases.¹³²

7. Women and Children

Violence against women is a widespread problem in Iraq. Authorities receive help in this area from international actors; for example, in Central and Southern Iraq the UNDP works with authorities on women's empowerment and the eradication of domestic violence. The UNDP works to increase the level of protection available to women by enhancing shelter policies and networks that provide psychological support and protection. A shelter strategy is also being developed, and shelter staff members are being trained. This is a sensitive issue, but the UNDP aims to introduce in Iraq the good practices found in neighboring countries, such as the Jordanian Family Protection Department.¹³³

Two new Family Protection Directorates have recently been set up in Baghdad within

¹²⁷ The Kurdish Globe. May 7, 2011.

¹²⁸ The Kurdish Globe. May 21, 2011(a).

¹²⁹ The Kurdish Globe. May 14, 2011.

¹³⁰ The Kurdish Globe. May 21, 2011(b).

¹³¹ The Kurdish Globe. May 21, 2011(b).

¹³² Meetings with the Harikar NGO, the KCRO, and UNHCR Amman.

¹³³ Meeting with UNDP in Amman.

existing police stations. Ten female police officers have been assigned to each. The directorates, which deal with issues concerning women and children, are planning to open a shelter soon. Although there have been some modest reforms to the personal status law and the penal code in the KRG region, the national legislative framework offers limited protection of women's rights.¹³⁴

An estimated 1-2 million households are headed by single women in Iraq. This is a large problem. This figure includes many women whose husbands are either dead, missing (some since the 1980s), or detained. Some of the women are divorced. Without a male relative, these women lack economic, physical, and social protection and support.¹³⁵

7.1. General situation for women in the KRG region

Since the end of the 1990s, several civil society groups have been formed and have addressed the topic of women's rights, especially violence against women.¹³⁶ Some shelters have been opened. To this day, violence against women and honour killings are the main topics of the women's rights movement in Iraqi Kurdish areas. The work of these groups as well as economic and political developments and the KRG's ambition to give itself a modern outlook by addressing women's rights have contributed to a larger representation of women in public, in terms of education, employment, and services.

Despite the fact that many women are actively engaged in civil society and politics and that the Kurdish Constitution provides them with a 25% quota of seats in the KRG Parliament, women are underrepresented in governmental positions. In rural areas, where traditional and patriarchal codes and regulations persist, many women are still denied access to education and the public sphere. Their range of movement is limited to the household and family surroundings. Many female university graduates are unable to find work in the KRG area. Sexual harassment is also widespread in both the public and private spheres.¹³⁷

In Iraq, women are subordinate to male members of the family (i.e., father, brother, husband), marriages are mostly arranged by the family, and women cannot typically have plans that deviate from marriage or living in the father's house. In both rural and urban areas throughout Iraq, social and family relations are still largely shaped by traditional and patriarchal perceptions of gender roles and by a strict code of honour and shame. The virginity of girls and the virtuous behavior of all females are seen to uphold the family's honour. Women's rights groups and projects targeting women have achieved many positive changes regarding gender-related issues. Legal reforms have eliminated previously mild punishments for honour killings, and women's rights within civil law have been improved. Shelters and counseling projects have also been established, primarily in the cities.

According to several interviewed sources, women's rights in the KRG region have slightly improved in recent years mainly through the passage of new laws. According to the NGO Asuda Combating Violence Against Women, honour killings are not common in the KRG area today, but they do occur and are still above average in comparison to the rest of Iraq and even in the regional context.¹³⁸ The KRG has addressed problems of domestic and social violence against women and created its own monitoring committees and shelters to protect women from violence. The police are actively cooperating with the relevant projects.

¹³⁴ Meeting with UNDP in Amman.

¹³⁵ ICRC Operational Update. January-February 2011.

¹³⁶ See for instance Haukari e.V. reports.

¹³⁷ Meeting with WADI.

¹³⁸ Meeting with Asuda.

In the disputed areas, the situation for women remains more difficult than in the KRG region. For example, the Sinjar district in the Ninawa governorate is regarded as a conservative area because of the tribal and religious features that pervade every facet of the social life. Work on building awareness and training on women's rights and their roles in all aspects of life has only recently begun.¹³⁹

Many organizations in Iraq such as USAID and various NGOs offer services for women who fear violence, although according to Asuda, there is a need for more services. Asuda has dealt with approximately 2000 cases in the past 10 years. The Khanzad NGO has assisted between 200 and 400 female detainees on an annual basis. Both NGOs work with lawyers and social workers. Legal aid centers have been set up in the Erbil, Sulaymaniya, and Dohuk governorates by authorities with the support of the UNDP. The centers are expected to process approximately 400-600 cases annually.¹⁴⁰

Women in the KRG region actively participated in debates on the national constitution of 2005 and the KRG Constitution in 2009. The fact-finding mission learned that women are disappointed that despite their participation, both constitutions remain ambiguous on the role of sharia in state penal and civil law and allow regional interpretations of the legitimacy of non-state religious and traditional jurisdictions. The reform of KRG civil law was debated in the Kurdistan Regional Parliament in 2009. The reform brought some improvements for women regarding divorce and child custody laws, but against women's wishes, it did not abolish polygamy and the privileges of male succession in the inheritance law.

7.2. Single women

In the KRG area, women normally live with males and move outside of their homes only in the company of a male family member. In Kurdish society, in both urban and rural areas, it is generally not socially acceptable for women to live away from their families without the consent of their father, brothers, or husband. Social restrictions often make it impossible for single women to rent an apartment or get a job. Traditional attitudes persist in Dohuk and Erbil, where migration from the countryside has been witnessed in recent years. The fact-finding mission learned that residents of Sulaymaniya are more sophisticated in their attitudes toward women than residents of the other northern governorates.¹⁴¹

According to several interviewed sources, women generally cannot live alone and those who try encounter problems. In Sulaymaniya, rare cases of older women living alone or sisters or a mother and daughter living together without a male in the household can be found. There are also rare cases of divorced women living alone with their children. Typically, these women are wealthy or have a job. In educated circles, women can have a freer social life, but they may be blamed or even beaten by family members for meeting other men. Women in the KRG region generally look forward to meeting their husband and bringing up a family, but they lack insight about other opportunities in their lives.¹⁴²

Some single women migrate within the KRG region; this movement is normally impossible for young women, however.¹⁴³ Kurdish society is very family oriented, and it is not easy to move around Kurdistan unnoticed. Women basically move only for marriage; otherwise, moving away from the family is difficult. Women also need permission from their husband or guardian to get a passport.¹⁴⁴

¹³⁹ Several NGOs that met with the fact-finding mission work with women's issues, e.g., Asuda, Khanzad, NPA, and WADI.

¹⁴⁰ UNDP. March 2011(a).

¹⁴¹ Meeting with Khanzad Social and Cultural Organization.

¹⁴² Meeting with Asuda.

¹⁴³ Meeting with Asuda.

¹⁴⁴ Meeting with NPA.

7.3. Marriage / divorce / child custody / polygamy

7.3.1. Marriage (civil / mullah)

Religious marriages used to be prevalent in the KRG area. According to current legislation, however, a couple must be married in the court as well; without a civil marriage, children of the couple cannot be registered or obtain personal documents and they have trouble entering school. When a religiously wed couple divorce, the rights of the woman are limited. In addition, progeny from a religious marriage are not automatically considered to be the father's children. Before personal documents can be obtained for the children, fatherhood needs to be proven in court. When performing a religious marriage, mullahs do not use a standard form of marriage contract; rather, the form of the written contract varies. Today, people often are married only in civil ceremonies in Iraqi Kurdish areas.

The minimum age for marriage in Iraq is 16 years for boys and girls. The approval of the parents is needed if either person is younger than 18 years; men and women who are 18 years or older can decide to marry without the permission of their parents. However, due to cultural restrictions, this is rare in practice, particularly in the countryside.¹⁴⁵

The fact-finding mission was told that inter-religious marriages, such as those between Muslims and Christians, do not generally occur in Iraqi Kurdish areas. According to one source, there is an attitude among many people in Northern Iraq that a woman who marries someone professing another religion should be killed. Based on tradition, families normally do not marry their daughters to people of other faiths. However, sectarian marriages between Sunnis and Shiites do occur, as do inter-ethnic marriages (e.g., between Kurds and Arabs).

7.3.2. Divorce

If a wife wants a divorce, she has to go to court. The court will not issue an immediate decision. Instead, it will assign a social worker who interviews the couple about the problem and invites them to try reconciling the marriage. After the intervention of the social worker and a waiting period of six months, the court will decide on the matter. A court will not decide in favor of the wife if the reason for getting divorced is "only" a loveless marriage; however, a divorce is possible in cases where a clear reason is not given. At the same time, the fact-finding mission heard that judges tend to favor the husband in court.¹⁴⁶

The fact-finding mission was also told that, in practice, divorce is still very easy for a husband of the Sunni faith, even if banned in Iraqi law. According to sharia jurisprudence, the husband simply needs to repeat the formula for divorce (talaq) three times in order to finalize it.

Financial support (e.g., alimony) is the main problem in divorce cases. If a wife wants a divorce and the husband does not agree, he does not have to pay alimony if the divorce is granted. The wife may also have to pay back the dowry to the husband. If a divorce is sought by the wife and a clear reason is not given, the dissolution may not be granted, and in the case of divorce, the wife has no right to monetary compensation from the husband. It is possible for the court to grant the wife a divorce if the husband has been away for one year (i.e., in Iraq or abroad) and has not been in touch with her. The wife can also obtain a divorce if the husband uses drugs. The conditions for divorce are written in the civil code.

When residing abroad, a husband can use a lawyer living in Iraq to handle his divorce. A wife living abroad who wants a divorce can also use a lawyer in Iraq, but she needs to have a prominent reason for the divorce, such as the husband's illness or drug abuse. A divorce

¹⁴⁵ Meeting with Khanzad Social and Cultural Organization.

¹⁴⁶ Meeting with Asuda.

granted abroad to Iraqi citizens is not automatically valid in Iraq. In this case, the couple needs to get divorced again according to Iraqi law. For this, the couple has to be present in court in Iraq.¹⁴⁷

7.3.3. Child custody

Iraqi law also takes into account the interests of the children in cases of divorce. Small children usually stay with the mother; however, she must have accommodations and a salary so she can provide for them. A woman's economic situation is often difficult after divorce. Still, in most cases, the children stay with their mother. In cases where the father is dead, a court may decide whether the children should stay with the mother or with other relatives such as grandparents.

A father has the right to see his children typically once a week. The father has to pay child support until the children reach the age of 18. As mentioned, the mother will normally receive custody of the children unless she is considered unfit to take care of them. However, in the countryside, families are normally patrilineal, and children will stay with the father's family when their parents divorce. If the parents are not in agreement about custody and the child is under 15 years of age, the court will decide on custody. A child who is older than 15 can choose which parent he or she wants to live with. The legal minimum visiting time for the parent not living with the child is two hours twice a month.

Children not living with their parents most often stay with the broader family. Children very rarely live in the streets of Iraqi Kurdish areas. Children are normally not allowed to travel or leave the country without the permission of the father. A woman cannot legally leave Iraq with her children without the agreement of the father. It should be noted, however, that these laws often apply in theory only.¹⁴⁸

7.3.4. Polygamy

Polygamy still occurs in the KRG area, although according to law it is allowed only on a restricted basis. The penalty for unlawful polygamy is 10 million IQD (\$8500) and six months of imprisonment. Some people have received such sentences. Many who get married a second time choose a religious marriage.¹⁴⁹ The fact-finding mission was told that in polygamous families, wives are generally in an even weaker position against their husbands in court than wives in legal marriages.¹⁵⁰

7.4. Violence against women

7.4.1. Domestic violence

In the KRG area, there is more awareness and less acceptance of domestic violence than in the rest of Iraq. The incidence of domestic violence is lower in the region than in the rest of Iraq.¹⁵¹ Still, violence against women and girls is a major problem here. Violence often occurs when women do not follow traditions and is linked to women going out and dating. About one

¹⁴⁷ Meeting with Khanzad Social and Cultural Organization.

¹⁴⁸ Meetings with Asuda, and Khanzad Social and Cultural Organization.

¹⁴⁹ Meeting with a lawyer in Sulaymaniya.

¹⁵⁰ Meeting with Asuda.

¹⁵¹ Inter-Agency Information and Analysis Unit (IAU). November 2010.

Public

in five women aged 15-49 in Iraq has suffered physical violence at the hands of her husband.¹⁵²

Many Iraqi women and girls are not fully aware of their rights. Approximately 59% of women aged 15-49 believe that it is acceptable for a man to beat his wife under certain circumstances. This figure is higher in rural areas (70%) and among women with no formal education (71%). Approximately 50% of men and boys believe wife beating is acceptable, and 68% believe it is acceptable to kill a girl for profaning a family's honour.

To this day, males have the right to beat female relatives. According to the current Iraqi penal code, a husband has the right to beat his wife.¹⁵³ When recording a complaint about domestic violence with the police, the victim must show evidence of the beating. For many years, women's groups have tried to pass a law changing these circumstances in parliament, but there has been significant opposition, especially from the Islamic parties.¹⁵⁴ The fact-finding mission learned that the Draft Law on Combating Domestic Violence was scheduled to be discussed in the KRG Parliament soon after the mission.¹⁵⁵

Many patients at the Kirkuk Center for Torture Victims in Erbil are women. The fact-finding mission learned that in Kurdish society, young husbands and wives in particular are often not prepared to live together. The underestimation of women is common, and "social information" and sexual education are lacking. These conditions can lead to violence, and many of the female patients at the Kirkuk Center in Erbil have suffered under these circumstances. Sexual abuse is still widespread as well.¹⁵⁶ Violence against women is also a problem in refugee camps.¹⁵⁷

7.4.2. Honour-related violence

The WADI NGO estimates that some 10,000 women in Iraq have been victims of honour killings or of burning / self-immolation since 1991. According to Khanzad, in the 1990s and the beginning of the last decade there were many honour killings in the KRG region. Today, there are fewer deaths, especially in cities, where parents may break off contact with their daughter when they disagree with the man of her choice rather than use violence against her. Honour killing is still a problem in villages, however; particularly in the areas of Dohuk, Phsdar, and Germian, according to sources. Modern communication technology has brought new dangers for women, as some have been killed after being in contact with men by mobile phone.

Perpetrators of honour killings are not easily prosecuted. When the police are informed about a death, they will conduct an investigation. But if no one witnesses the murder, nothing can typically be done. Indeed, in many cases no one comes forward to report the honour killing, and it is disguised as a suicide or accident, e.g., the accidental discharge of a weapon when it was being cleaned or a fire caused by handling inflammatory substances such as petrol, which is commonly available in the kitchen. In the KRG area, suicide rates are high; many suicides are committed by self-immolation, particularly among women. Emergency hospitals have noted that suicide by self-immolation has increased since the law against honour killings was tightened.

The legislation relating to honour killings was strengthened in 2006-2007, and sentences ranging from 5 to 15 years are now possible. Some people have indeed been sentenced to long prison terms. Still, implementation of the law is often a problem. Some honour-related

¹⁵² Meeting with UNICEF Iraq in Erbil.

¹⁵³ Meetings with Asuda and Harikar NGO.

¹⁵⁴ Meeting with Asuda.

¹⁵⁵ Asuda. June 22, 2011.

¹⁵⁶ Meeting with the Kirkuk Center for Torture Victims.

¹⁵⁷ Meeting with Harikar NGO.

cases are also withdrawn from court, often because the family of the accused has made an arrangement to compensate the victim's family. The fact-finding mission also learned that the courts in the KRG region will not allow a second marriage within five years for those divorced as a result of honour-related issues.¹⁵⁸

The fact-finding mission was presented with the following examples of honour killings in the KRG area. In a case in 2010, a young couple had secretly gotten married and run away. After a few months, the brother of the bride found the couple, killed the husband, and wounded the bride. A source mentioned to the fact-finding mission that a runaway couple cannot be considered safe in another part of the KRG area. In a case in 2005, a girl had fallen in love with a neighbor. The couple ran away and was married. The family of the bride pretended to accept the marriage, and after a time, invited the couple for a meal. During the meal, the bride's family members killed the husband, although the bride managed to escape and fled to the police. The fact-finding mission heard also of a case in which a couple had been killed by relatives after they had been married without permission. In yet another case, the woman was killed and the man was sued for monetary compensation by her family.

The fact-finding mission was told that men can also become victims of honour killing in cases involving adultery or a premarital sexual relationship. According to interviewed sources, to eradicate honour killings completely, attitudes in Kurdish society in general need to change.

7.4.3. Forced marriage

Most women in the prisons of Sulaymaniya and / or who come to the Khanzad center for counseling are from remote rural areas of Iraq such as Germian, Pshdar, or Penjwin. In these areas, many girls and women must endure forced marriages. These traditional marriage agreements include two male friends exchanging sisters (*jin ba jin*) or fathers marrying their daughters at childhood to elderly men for appeasement of family conflicts (*gorea ba bucu*). Females in these areas also suffer from domestic violence and the threat of honour killing for violations of the traditional code of morals.

Forced marriages still occur, but the incidence is decreasing. Not only are forced marriages illegal in Iraq, but many NGOs have been working in this field. The fact-finding mission learned that about 4% of girls nationwide were forcibly married before they turned 15. This is also illegal according to Iraqi law.¹⁵⁹ In addition, a third of young women believe that a girl must marry her relative if it is her guardian's wish. This topic is openly discussed today in the KRG area.¹⁶⁰ Mediation by the KRG Ministry of Interior also exists; however, the problem is often not solved, even when a woman has been in protective institutions for many months. Many women are unwilling to talk about domestic violence or sexual abuse as there is a social stigma attached to these issues.

Among Iraqi immigrants in Europe, forced marriage is occasionally a problem. Western behavioral patterns of youths may produce problems within a family. Because travel to Iraq is currently fairly easy and cheap, more parents are sending their daughters to Iraq for marriage. Some of these daughters end up in forced marriages. In those cases, the girls may be minors, and violence is often connected to the phenomenon.

In the KRG region, authorities have shown interest in combating cases of forced marriage. In cases where the father is influential, however, approaching authorities may not be helpful for the victim of a forced marriage. NGOs such as Asuda have helped girls flee arranged

¹⁵⁸ Meetings with Asuda, Harikar NGO, Khanzad Social and Cultural Organization, and NPA.

¹⁵⁹ According to the UNHCR, early marriages are frequently reported among IDP communities, especially in Central and Southern Iraq. Such marriages are performed under a religious contract and are not recognized by Iraqi law; thus, these girls and women have no recourse in the courts. Children born to the couple will not have civil ID cards and will have difficulty accessing basic services.

¹⁶⁰ The Kurdish Globe. March 29, 2011.

marriages. Some Western embassies operating in the KRG area have helped by providing travel documents to these girls and sending them back to the actual country of residence.

One nation helping such persons return to their country of residence has identified about 80 victims of forced marriage in three years and has been able to return 11 of them to Europe. A Western consulate mentioned that forced marriage is also a problem in the Arab culture, citing the governorate of Thi-Qar as an example. Getting a victim of forced marriage out of Iraq, particularly Central and Southern Iraq, can be difficult. Relations between the victim and her family living abroad may be broken and the victim cannot return to the family. However, in some cases a solution is mediated and the victim is later reunited with her family.¹⁶¹

7.4.4. Female genital mutilation

Female genital mutilation (FGM) still occurs in the KRG region and is allegedly widespread mainly in the southern part of Sulaymaniya governorate and in nearby areas such as Rania, Khanaqin, and Halabja. No recent occurrences of FGM were cited in Erbil and Dohuk provinces. FGM was said to be a tradition among some tribes in the Akre district.¹⁶² The fact-finding mission got the impression that FGM is a subject more openly discussed in Sulaymaniya than in the other northern governorates. Particularly in Sulaymaniya, NGOs have raised awareness about FGM. The victims are typically 2- to 12-year-old girls. The procedure is mainly performed by midwives.

The fact-finding mission heard of a case in 2010 in which a girl bled to death as a result of FGM. A source maintained that KRG authorities have until recently been in denial about the practice and have not published any FGM-related statistics. The prime minister of the KRG did publicly acknowledge FGM as a major problem in a speech in November 2010. Campaigns against FGM are conducted by several NGOs, mainly the German NGO WADI, for instance by sending mobile teams to visit villages.¹⁶³ Radio Denge Nwe in Halabja and independent newspapers have also supported the campaign against the practice.¹⁶⁴ FGM was legal at the time of the fact-finding mission; however, the Kurdish Parliament approved the Family Violence Bill on June 21, 2011, which bans female genital mutilation. The law has yet to be ratified by President Barzani.¹⁶⁵

7.5. Protection

KRG authorities recognize that domestic violence is a problem. According to some sources, the KRG is ahead of the rest of Iraq in this respect. However, according to several interviewed sources, more support should be given to the victims. The KRG has only a small budget for women's issues. The fact-finding mission was told that, in general, more is being announced than is actually being done.¹⁶⁶ The fact-finding mission also heard that there is a policeman and a social worker experienced in violence against women in each police department in the KRG region. If necessary, they send victims who seek help to government shelters.

¹⁶¹ Meetings with Asuda, Khanzad Social and Cultural Organization, and a Western consulate.

¹⁶² Meetings with Asuda, Harikar NGO, NPA, Radio Denge Nwe, and WADI.

¹⁶³ See for instance <http://www.stopfgmkurdistan.org/> and http://www.wadi-online.de/index.php?option=com_content&view=article&id=70&Itemid=18 (Accessed October 11, 2011).

¹⁶⁴ Meeting with Radio Denge Nwe.

¹⁶⁵ Human Rights Watch. July 25, 2011.

¹⁶⁶ Meeting with an international organization.

7.5.1. Shelters

There are at least three government shelters in the KRG region: one in Dohuk, one in Sulaymaniya, and one in Erbil.¹⁶⁷ Women can stay in a KRG government shelter for 72 hours. Those needing additional support can be referred to Asuda. The Asuda shelter in Sulaymaniya is sometimes full, sometimes not. There are no government shelters in Kirkuk and Mosul. Government shelters generally lack services such as psychological assistance or vocational training opportunities. Government employees often have personal prejudices and are not well trained in dealing with women's issues.

The fact-finding mission learned that the KRG has invested in the infrastructure of the shelters. At the same time, the treatment of women in government shelters was severely criticized by some sources. For instance, some women are in shelters due to out-of-wedlock pregnancy; however, the program lacks a 24-hour transport service to the hospital. These women are not respected in the Kurdish community and may have to marry the father of the child, even if he is a rapist.

According to interviewed sources, unmarried pregnant women may be discriminated against not only by society, but also by government employees. Identification documents are not issued to children born to an unmarried woman. According to WADI, women must navigate an extensive bureaucracy when dealing with the KRG and the department responsible for combating gender-based violence. Lawyers and social workers are often unavailable, and it can take up to three months for a woman to actually talk to someone about her problems. Women fearing violence may simply be told to go home. The fact-finding mission also heard that a woman at risk of honour violence does not receive help from the government when moving to another part of the country.¹⁶⁸

Several national and international NGOs work in the field of women's protection within the KRG region, but only a very few offer shelters or beds. (In most cases, the organizations offer counseling to women.) According to interviewed sources, shelters have limited space, and they do not offer a lasting solution for women at risk, but provide only temporary physical protection. Although the fact-finding mission did hear of a case in which a woman had stayed in a shelter for many years, another interviewed source mentioned a case where a woman was murdered after her return home from a shelter. According to interviewed sources, there are generally no exit and rehabilitation strategies or psychosocial and economic support for the victims of violence. In some cases, women are taken to detention facilities for protection.

The fact-finding mission learned that protection in a shelter is not always watertight. There was a violent attack in the Asuda shelter in 2008, during which a man shot and wounded a female family member staying there. Asuda lodged a complaint against some of the victim's male relatives, after which an arrest was made. However, the perpetrator was freed after a month in detention. The victim of the attack was still in hiding from her family during the fact-finding mission. After the attack, the number of police officers guarding the shelter was increased from one to two. Asuda repeatedly receives threats from family members of the people staying at the shelters as well as from Islamist groups.¹⁶⁹

An NGO called PANA set up Kirkuk's first shelter for women in 2006.¹⁷⁰ An interviewed source mentioned that the capacities in the shelter are limited and that there is a security

¹⁶⁷ According to Asuda, before 2007 there were two shelters in the KRG area, the Asuda shelter and a PUK-linked Aram shelter. Since 2007 the KRG has had two shelters in Sulaymaniya, two shelters in Erbil, and one center in Dohuk.

¹⁶⁸ Meeting with WADI.

¹⁶⁹ Meeting with Asuda.

¹⁷⁰ The National. February 13, 2010.

problem in Kirkuk.

7.5.2. Mediation

Cooperation between the government and civil society in protecting women from violence and offering counseling in conflictive family situations has improved remarkably in urban centers such as Sulaymaniya in recent years. However, there is still clearly a lack of protection, counseling services, and assistance to female victims of violence in district towns and rural areas of the governorate.¹⁷¹ The KRG offers some programs for mediation between women and their families in order to find solutions to their problems. It is hard to establish if these efforts have been successful for the victims, however. If mediation with the family is not successful, women often have no other option but to stay in a shelter. Women's NGOs such as Khanzad do contact male relatives of a woman fearing violence and arrange for them to meet in a protected place in order to mediate a solution.

In many cases, a woman is physically safe when she returns home after counseling but is still punished by marginalization and psychological mistreatment in the family. Women's NGOs typically have no alternatives when dealing with such cases. In cases of premarital relations or adultery, it is often impossible to find a solution beyond sending the woman abroad. A premarital relationship between two young people may be solved by the consent of their fathers to a marriage. In cases of adultery, the husband and the father of the woman may agree on divorce and the return of the woman to her father's house. Some cases are more complicated and may require months of mediation involving members of the extended family or key persons in the society, such as the police, religious leaders, teachers, physicians, or—in rural areas—village councils and traditional healers.

If a father, brother, or husband has announced an intention to kill a female family member, women's NGOs ask lawyers, police, and judges to intervene in the situation. Mediation in these situations may take place in a lawyer's office, and the family is expected to declare that violence will not be used against the female family member. In cases where a woman has been banned from the family and where death threats have been made, the return of the woman to the family may be impossible. In other cases, mediation may still be successful.

By making frequent visits to the family and the respective village or town, involving key persons in the society, and also using legal procedures such as getting a family to sign a security guarantee for their daughter's safety when she returns home, Khanzad aims to develop a kind of semi-public sphere for the family's problem. This strategy places remarkable social pressure on the male members of the family. Under the public eye, it is acceptable for the men to renounce the punishment planned for the female family member without losing face in the community and among their peers. Thus, often at the end of the counseling process, the female family member can actually return home and continue family life. NGOs may also follow the situation of the women after their return home. For instance, Asuda typically maintains contact with the family for about a year.¹⁷²

7.5.3. Access to protection

Only a minority of women living in the countryside actually reach urban centers for counseling and support. Because there are only a few projects addressing violence against women in district towns and rural areas, women normally visit health centers and police stations in an emergency. The fact-finding mission heard that in these cases, women's problems often do not receive sufficient attention. Women may be badly treated by the police because of a lack of awareness and sensitivity concerning sexual and gender-based

¹⁷¹ Meeting with Khanzad Social and Cultural Organization.

¹⁷² Meetings with Asuda and Khanzad Social and Cultural Organization.

violence. Women may be sent back home, as the staff may sympathize more with the violent male in the family than with the female victim.

In the Sulaymaniya governorate, women who are arrested for adultery or prostitution are often first taken to district police stations and held there for a time before being transferred to the city of Sulaymaniya. The fact-finding mission heard that in the district police stations, many women have been mistreated, have not been informed of their rights, and have been held for longer periods than the law allows.

7.6. Human trafficking and prostitution

Prostitution and trafficking of women, many of whom are IDPs, exist in the KRG area. The fact-finding mission was told by KRG authorities that the women in question are mainly from Baghdad or elsewhere in Central Iraq. According to an NGO, an increasing number of women from Central and Southern Iraq have been arrested for prostitution in Sulaymaniya. According to Asuda, many IDPs and refugees end up in prostitution and trafficking in countries such as Dubai, Syria, and Jordan because of the poor living conditions in the KRG region and the lack of services for these people.¹⁷³

Prostitution is illegal in the KRG area. According to an interviewed source, only women are punished for prostitution, however. Occasionally, the buyer of sex is a witness against the prostitute in court. Many victims of prostitution and trafficking are detained for two or three months. The maximum penalty for prostitution is two years in prison. Most prostitutes do not stay in prison that long, but after being released, they become social outcasts. Even a one-day detention may lead to the severing of ties between a woman and her family. Once a woman has been denounced for prostitution, she is stigmatized even if the accusation proves false. Women's shelters run by the government do not accept prostitutes or victims of trafficking.¹⁷⁴ A famous book published in 2007 by Khanzad highlights the background of prostitution in the KRG region as well as the networks and beneficiaries of the crime.¹⁷⁵

According to Khanzad, prostitution in the KRG region is organized in several ways. There is individual prostitution of women, who are often widows, in their homes. There are the so-called *serokband*, who are mostly women but sometimes men, who rent rooms to women without family connections in the area and send them into prostitution. There are also professionally organized networks that control prostitution in certain hotels and provide sexual services to the staff of certain companies.

Victims of prostitution and trafficking mostly come from conditions of extreme poverty or have escaped from violence, conflictive family situations, and violent and / or forced marriages. As mentioned, these women are rarely welcomed by their families and many return to prostitution after their release. Long-term solutions for these women are lacking.¹⁷⁶ Asuda also works with boys who are victims of human trafficking and prostitution and with foreign laborers. Foreign companies bring female labor to the KRG area from countries such as Nepal, the Philippines, and Bangladesh.¹⁷⁷

¹⁷³ Meetings with Asuda and KRG authorities.

¹⁷⁴ Meetings with Asuda and Khanzad Social and Cultural Organization.

¹⁷⁵ See *Ocean of Crimes – A Scientific Study on Prostitution and Women Trafficking in Kurdistan-Iraq*. Khandan H. Jaza. 2007. The book was intensely debated in public. The main author received the women's rights prize of the Kurdistan Regional Government.

http://www.haukari.de/ueber_haukari/rundbriefe/pdf/Rundbrief46.pdf (Accessed January 19, 2012).

¹⁷⁶ See Haukari e.V. reports.

¹⁷⁷ Meeting with Asuda.

7.7. Women in prison

The Khanzad NGO first visited women in prison in 1999. The situation for female prisoners at the time was dreadful. All the women were incarcerated in one room, regardless of the crimes they had committed. The guards, who were all male, exchanged cigarettes for sex. Women in prison were socially stigmatized and were perceived as immoral. Lawyers who represented the women were frowned upon. Today, the situation in Sulaymaniya is different in many respects. Now there are separate units in prisons for women, and all of the guards working in these units are female. Some children lived with their mothers in the pretrial and detention centers visited by the fact-finding mission.

Khanzad assists women and juvenile detainees in the women's pretrial detention center Taze in Sulaymaniya, the juveniles' and women's detention centers, and the juvenile pretrial detention center at Salam Camp near Sulaymaniya. Khanzad visits the Taze pretrial detention center three times a week and the detention centers once a week. Khanzad's assistance to women in prisons includes the provision of clothing, bed linens, mattresses, hygienic products, newspapers, and CDs. Khanzad also holds seminars and workshops in the prison that feature handicrafts, arts and music, legal counseling by lawyers, observation of the behavior of the police and guards toward the women, advocating for human rights and women's rights, and improving detention conditions.

Many incarcerated women are arrested for adultery or prostitution, others for murder or offenses such as fraud. In most cases, conflict and violence within the family are behind the sentence. Once arrested, most women are banned by their family and may face violence, harassment, honour killing, or—at the least—social marginalization once they leave prison. Many women who get out of detention do not know where to go or where to live after their release. Khanzad negotiates with the families of the released women and tries to find solutions for them. Often this means finding legal and social means to protect women from honour killings and social stigma. When a solution is found, Khanzad remains in contact with the woman and her family after the release to monitor the woman's situation. When no solution can be found between the woman and her family, Khanzad finds her a place in a shelter.¹⁷⁸

7.8. Children

Children's rights are generally better respected in the KRG area than in Central and Southern Iraq, given the relative security and therefore improved access to schools and other institutions. However, the situation is still far from ideal.¹⁷⁹ The weak protective environment renders children and young people vulnerable and puts them at continual risk of becoming victims of violence, exploitation, and abuse, while the child protection staff lacks expertise. The United Nations International Children's Emergency Fund (UNICEF) has supported training for social workers in the MoLSA and the establishment of a "child helpline" in the KRG area by the ministry. NGOs such as Kurdistan Save the Children (KSC) work actively with child protection issues.¹⁸⁰

The KSC supports young offenders in the juvenile justice system, works with custody issues, supports children in prison, and helps them reintegrate into society after their release from prison. The KSC also cooperates with authorities such as the Juvenile Justice Department in Sulaymaniya and gives training in juvenile justice. Since 2006, the NGO Khanzad has worked with girls and boys under 18 years of age in the juvenile prison of Sulaymaniya. Many of the arrested girls and boys come from violent families. They have escaped from

¹⁷⁸ Meeting with Khanzad Social and Cultural Organization.

¹⁷⁹ Meeting with UNICEF Iraq in Erbil.

¹⁸⁰ Meeting with Kurdistan Save the Children.

forced marriages, sexual abuse, or other forms of violence and have ended up on the streets and in circumstances where violence and prostitution are present. The fact-finding mission learned that sexual abuse of children under the age of 18 can lead to a prison term of about seven years.¹⁸¹

Child labor is common in the Iraqi Kurdish areas, especially among poor families and in the border regions of Turkey and Iran. More than 12,000 children between the ages of 7 and 15 are working in the KRG area. They work mainly in the streets, public places, or factories or as smugglers. The KSC noted that child labor in the KRG area has significantly decreased (most noticeably in Dohuk and Sulaymaniya) since authorities in the insurance and labor departments, e.g., were convinced by the NGO to cut down on the practice.

Still, many children have to work because that is the preference of their families and because of poverty. These children often provide a vital income for families who are not aware of the importance of education. The KRG does not have a clear strategy for decreasing the number of working children or preventing child labor. The organization used to have a shelter for children, the first one of its kind in the KRG area. The shelter was closed in 2006, however, after children started fleeing from their families (apparently needlessly) due to the existence of the shelter.¹⁸² The law in Iraq does not prevent minors from working under the supervision of their parents. The KSC visits these families, looks at their income, and may grant monthly support of approximately 100-150 €.

Adoption is not possible in the KRG area, as the practice is not accepted by Islamic law, but the Government of Iraq has passed a law of reunion (i.e., dham) that establishes an arrangement resembling adoption. According to the law, a foster family program has been created. Parents without children can petition to take care of an orphan. Orphanages exist in each governorate, with girls and boys living separately.

The UNHCR can help track parents of underaged asylum seekers. According to the UNHCR, underaged asylum seekers often suffer from trauma, and psychosocial counseling is lacking in Iraq. Underaged IDPs and refugees may also have trouble receiving education in their own language in the area of displacement.¹⁸³

8. Minorities

The Iraqi population is extremely diverse in both ethnicity and religion. The three largest groups are Shiite Arabs, Sunni Arabs, and Kurds. The population of Iraq was approximately 30.5 million in July 2011.¹⁸⁴ About 97% of the population is Muslim, of which some 63% are Shiites and 34% Sunnis (both Shiites and Sunnis include Arabs, Kurds, and Turkmen).¹⁸⁵ Christians, Yazidis, Kakai, Shabak, Baha'is, Mandaean / Sabaeans, and a very few Jews comprise about 3% of the Iraqi population.¹⁸⁶

¹⁸¹ Meetings with Kurdistan Save the Children and Khanzad Social and Cultural Organization.

¹⁸² Meeting with Kurdistan Save the Children.

¹⁸³ Meeting with UNHCR Iraq in Erbil.

¹⁸⁴ CIA. The World Factbook.

¹⁸⁵ BAMF. August 2011.

¹⁸⁶ Minority Rights Group International (MRG). June 2010.



A mosaic in the KRG area: various ethnic and religious figures on carpets below Erbil Citadel (Kurdish leaders, Christian Saints and the Last Supper, Shiite imams, and so forth)

8.1. Legal framework

According to Article 2, paragraph 1 of the 2005 Iraqi Constitution, Islam is the official religion of the Iraqi State and the main source of legislation. According to Article 2, paragraph 2, Christians, Yazidis, and Mandeans / Sabaeans are guaranteed full rights to freedom of religious belief and practice alongside Muslims. According to Article 41, "Iraqis are free in their commitment to their personal status according to their religions"; and Article 43 guarantees the freedom of practice of religious rites to the followers of all religions and sects. Paragraph 2 states: "The State shall guarantee freedom of worship and the protection of places of worship."¹⁸⁷ Yet Article 2 also adds that no law may be enacted that contradicts the established provisions of Islam. Proselytization is forbidden for non-Muslim groups.¹⁸⁸ According to Iraqi law, conversion is not an element of offense. Non-Muslims are allowed to convert to Islam.¹⁸⁹ But Muslims are still subordinated to sharia, which forbids apostasy.

8.2. Regional overview

Interviewed sources confirmed that the KRG is open and liberal toward religious minorities and normally also toward ethnic minorities. The areas controlled by the KRG can be considered safe for minorities. In the Iraqi Kurdish areas, a majority of Kurds live close to minorities such as Christians, Arabs, Turkmen, Yazidis, Fayli Kurds, Shabak, Kakai, and Mandeans / Sabaeans. Fayli Kurds, Yazidis, Kakai, and Shabak are perceived as Kurds

¹⁸⁷ Iraqi Constitution.

¹⁸⁸ Amnesty International (ai). Gutachten vom 07.12.2006 an VG Leipzig. MDE14-05.040.

¹⁸⁹ U.S. Department of State. 2010.

and therefore are generally not persecuted, but they can be under social pressure for assimilation.

Generally Yazidis and Sunni Kurds get along well, although problems between individual families may exist. The fact-finding mission heard that the KRG is liberal toward minorities as long as they are peaceful and support themselves. The Harikar NGO noted that all minorities have the same rights and needs and similar access to services in the KRG area. According to a Western consulate, Assyrians and Yazidis are well treated in the KRG region. A person of Kakai ethnicity in Halabja noted that there are no problems for old religious minorities in that city. However, religious people and Islamists still have a lot of influence in the area; thus, in Halabja some shops that sold alcohol have been closed.¹⁹⁰

In Central and Southern Iraq, attacks against minorities such as Christians in Baghdad and Mosul and Yazidis continue.¹⁹¹ According to the Assyrian Democratic Movement (ADM), minorities still live in fear in Iraq today, powerful groups exert pressure over them, and some minorities, mainly Christians, are forced to leave their homelands.¹⁹² Many Christians have been killed in Iraq in recent years. A source told the fact-finding mission that the murderers have not been prosecuted and, in some cases, not found.

According to several interviewed sources, the situation of minorities in the disputed areas remains difficult, particularly in the Kirkuk and Ninawa governorates (e.g., for Christians and Yazidis in Mosul and the Sinjar district). Minorities such as Christians and Turkmen are also at risk in the Kirkuk governorate. According to one source, al-Qaida in Iraq (AQI) still has a strong influence in Mosul and foreigners should avoid traveling there, whereas movement in the area is less dangerous for locals.¹⁹³ The fact-finding mission heard that driving from Dohuk to Mosul may also be unsafe.

The situation in the Sinjar district in the Ninawa governorate is difficult, although it is situated only about three hours' drive from Dohuk. Sinjar's population is about 400,000, including many of Iraq's Yazidis; 76% of the population is estimated to be Kurds, 5% Turkmen, and 1% Christians. The Sinjar district used to be famous for its agriculture. The district once produced about 50% of all the wheat and barley in Iraq and had great wealth in animal husbandry. Since then the district, like many other disputed areas, has been neglected, and it has not received government support for many years.¹⁹⁴ Sinjar was subjected to Arabization politics beginning in 1972 and has been targeted by many terror attacks since 2003.

8.3. Christians

Nowadays only about 400,000-500,000 Christians live in Iraq,¹⁹⁵ whereas according to the last Iraqi census in 1987 there were 1.4 million registered Christians in the country. Today some 100,000 Christians live in Baghdad. In Mosul there are about 15,000 Christians left.¹⁹⁶

Many Christians from Basra, Baghdad, and Mosul have moved to the KRG area in recent years or have migrated from Iraq mainly to Syria and Jordan. Some Christian returnees have moved back to their houses in Baghdad. This is not always a safe option. Iraqi Christians include mainly Chaldeans, Assyrians, and Armenians. There are at least 15 different Christian communities in Iraq: the East Syrian churches (including the Chaldean Catholic

¹⁹⁰ Meetings with Harikar NGO, Radio Denge Nwe, and a Western consulate.

¹⁹¹ Meeting with UNHCR Iraq in Amman.

¹⁹² Meeting with ADM.

¹⁹³ Meeting with a Western consulate.

¹⁹⁴ KCRO. July 2010; The Kurdish Globe. August 7, 2010.

¹⁹⁵ Konrad Adenauer Stiftung. June 6, 2011.

¹⁹⁶ Meeting with the Chaldean Catholic Vicariate in Amman.

Church¹⁹⁷; the Assyrian Church of the East, or Nestorian Church; and the Assyrian Evangelical Church), the West Syrian churches (including the Syrian Orthodox and Syrian Catholic churches), the Melkite Church (Greek Orthodox and Greek Catholics), the Armenian Church (Armenian Apostolic and Armenian Orthodox), and the Occidental Christians (Roman Catholics, Anglicans, Presbyterians, Pentecostals, Adventists, and Evangelicals).¹⁹⁸ According to a Danish report, there are about 50 Christian churches of various denominations throughout the KRG region.¹⁹⁹



An Assyrian Church in Dohuk.

8.3.1. History and reasons for migration

According to the ADM,²⁰⁰ the large migration of Christians from the region started during World War I, when approximately 300,000 Assyrians died alongside Armenians in purges in the Ottoman Empire. During the Anfal campaign in 1988, Christians were displaced from their lands along with the Kurds. Christians also suffered from Saddam's attacks in 1991 during the Kurdish uprising. This brought about the second recent wave of Christian migration.

¹⁹⁷ This is the biggest church in Iraq. The Chaldean Catholics follow the teachings of Rome.

¹⁹⁸ G2W. 2003.

¹⁹⁹ Danish Immigration Service. June 2011(a).

²⁰⁰ Also known as Zowaa / Bezutnawaye ashuri dimokrati / Hizb ad-dimokrati ash-ashuri. See www.zowaa.org. (Accessed October 13, 2011). The fact-finding mission was told that the party was founded in 1979 by Yonadam Kanna. In 1991 the party was involved in the Kurdish uprising. ADM was part of the Kurdistan Front and took part in the first Kurdish elections, where Christians received four seats in 1992. In 2005 the party got one seat in the Iraqi Parliament and two seats in the Kurdish Parliament. In 2009 ADM got two of five seats for Christians in the Kurdish Parliament, as well as one ministerial position.

During the Kurdish Civil War in the mid-1990s, Christians suffered alongside the rest of the population in Iraqi Kurdish areas. Since 2003 and the fall of Saddam Hussein's regime, terror attacks and killings have led to a third wave of migration, an exodus of many Christians from Iraq. Churches, together with the clergy in Iraq, are being attacked. The kidnapping and murder in February 2008 of Paulos Faraj Rahho, the Chaldean archbishop of Mosul, and the shooting death of Assyrian Orthodox priest Father Adel Youssef by unidentified militants in central Baghdad in April 2008 were felt deeply in the Christian community. The killings of Christians in Mosul in 2008 also had a profound effect on the community. These attacks led to the exodus of about 12,000 Christians.²⁰¹

In 2009 several churches were attacked, mainly in Baghdad and Mosul. On Christmas 2009, skirmishes took place between Christians and Shiite Shabak in front of a church in Bartala in the Ninawa governorate.²⁰² In March 2010, ten Christians were killed in Mosul. In the aftermath, about 4300 Christians fled the Ninawa plains. On October 31, 2010, approximately 60 people died in an attack on the Sayidat al-Najat Church in Baghdad. Since then, many Christian families have left their homes.²⁰³ In Mosul, the number of Christians has fallen dramatically, as within one year, a bishop, a priest, and two other clerics were killed by Iraqi al-Qaida. Now many churches in Baghdad and Mosul are closed.²⁰⁴ There have also been several attacks against Christians in Iraq in 2011. For instance, a car bomb outside a church in Kirkuk injured 20 persons in August.²⁰⁵

Several interviewed sources pointed out that Christians are a part of the history and culture of Iraq. They do not want to leave Iraq and lose their culture, but they believe there is a deliberate campaign to drive them out of the country.²⁰⁶ They face problems from various actors representing religious and criminal groups, whereas the attitude of the general population toward Christians is one of indifference.²⁰⁷ Christians believe they are not properly represented in Iraq today, although 5 of the 325 seats in Baghdad are reserved for them. In the Kurdish Parliament, there are currently a few Christian members.²⁰⁸

The ADM wants Assyrians to be officially recognized as an ethnic (instead of religious) group, as they trace their history back some 7000 years.²⁰⁹ Ethnic recognition that includes the whole Chaldeo-Assyrian community would lead to larger representation. The ADM mentioned that the KDP is trying to divide and rule the Assyrian community. According to the ADM, in the KRG area there are about 14 Assyrian political parties. Still, instead of finding solutions for Christians, the political atmosphere seems to be tightening.

The ADM mentioned to the fact-finding mission that Article 140 of the Iraqi Constitution should also be implemented near Dohuk, where Saddam Hussein's regime confiscated land in the 1970s and 1980s from several villages and destroyed more than 120 of them. The ADM has asked for restitution for the Christian villages. Most Christians moved to Baghdad and wish to reclaim their villages. However, today Kurds live in many of the villages. According to the ADM, discussions between Kurds and Christians on the issue have been ongoing since 1992.

²⁰¹ Meeting with ADM.

²⁰² Konrad Adenauer Stiftung. June 2011.

²⁰³ IOM Iraq Newsletter – Volume I 2011 – October / November / December 2010.

²⁰⁴ According to the Chaldean Catholic Vicariate in Amman, there were 28 Chaldean churches in Baghdad at the time of the fact-finding mission, but only 11 were open.

²⁰⁵ America. August 15, 2011. See also for instance Arab Times, September 23, 2011, on the kidnapping of three Christians and a Turkmen in Kirkuk.

²⁰⁶ A Chaldean priest in Jordan read to the fact-finding mission a letter by the terrorist group Islamic State in Iraq and mentioned that Islamists have demanded that Christians convert to Islam or pay tribute to Muslims.

²⁰⁷ Meeting with ADM.

²⁰⁸ KRG.org. *About the Kurdistan Regional Government*.

²⁰⁹ The Assyrian New Year, Akitu, is celebrated on April 1. In 2011, Assyrians counted year 6761.

The main reasons that Christians have left Iraq in recent years, and are still leaving, include political persecution and the terror attacks against them, as well as the lack of employment opportunities. Christians complained to the fact-finding mission that due to nepotism in society, it is hard to find work. Christian IDPs also lack a lobbying group in the KRG. The KRG area is perceived by many Christian IDPs as only a temporary stopover before Europe, which is seen as the final destination in their migration.

Christians told the fact-finding mission that they lack prospects in their own country and suffer from uncertainties as a result of the persecution that has occurred, particularly since 2003. This situation has led to migration. According to the ADM, some policies in Europe also encourage Christians to leave Iraq. For example, after an attack on a church in Baghdad, France announced it would accept 150 Iraqi Christians. According to the ADM, approximately 2000 Christians subsequently visited the French Consulate in Baghdad. Germany's policy in accepting Christians has also been noted in Iraq. Also some NGOs from Australia, Canada, and elsewhere have invited Christians to leave Iraq. The ADM is against such actions, maintaining that this does not solve the problem of Christians within Iraq, but instead increases pressure to leave the country.²¹⁰

8.3.2. The KRG area

According to several interviewed sources, Christians are—as a rule—welcome to settle in the KRG area. Freedom of belief is guaranteed, but there are restrictions in Islamic law that apply to everyone, Christians included.²¹¹ Some Islamic laws can be somewhat discriminative against Christians. The main problems Christians encounter in the KRG area are not necessarily on the level of legislation but in the application of the law and in daily life. Christian IDPs from Central Iraq (mainly Mosul and Baghdad) can face problems due to their lack of Kurdish language skills and have difficulties in finding decent jobs in the KRG region. At the same time, Christians do get assistance from the KRG.

According to Harikar NGO, there is no discrimination against Christians in the Dohuk governorate. On the contrary, President Barzani has invited Christians to the KRG region, for instance, after a bus attack in Mosul in May 2010 and after the attack on Sayidat al-Najat Church in Baghdad in October 2010. Also, about 95% of the Christian villages in the area have been built for them by local authorities.²¹² According to the ADM, however, this is not sufficient. The party mentioned to the fact-finding mission that there is not enough space in the KRG area for all the emigrants or enough places for the estimated 10,000 Christian students from Mosul and Baghdad in the universities. In addition to the limited capacity in KRG universities, which has essentially deprived them of the opportunity to study in the area, students also face problems with registration procedures and the local language.²¹³

8.3.3. Disputed areas

A source told the fact-finding mission that the situation for Christians in the Ninawa plains is very difficult. Housing, education, jobs, and health care such as psychological assistance are lacking. As an example, a school may have only two rooms, with rugs and mats to sit on. The Ninawa plains are a multiethnic region with many cultures. In some villages, more than 90% of the people are Christians. According to the ADM, the future of the Ninawa plains is a topic of political discussion, and talks about making the area a governorate in itself are ongoing.²¹⁴

²¹⁰ Meeting with the ADM.

²¹¹ Meeting with the ADM.

²¹² Meeting with Harikar NGO.

²¹³ Meeting with the ADM.

²¹⁴ Meeting with the ADM.

8.3.4. Conversion

Conversions are generally not accepted by the Chaldean Church, as this would only create difficulties with the state and within individual families. According to a Chaldean priest in Jordan, ordinary Muslims do not convert to Christianity in a Muslim country. In cases of Christian girls or women who have been kidnapped and forced to marry Muslims and have been converted against their will, the Church helps and accepts re-conversion to Christianity. The Church also accepts the children of these people as Christians.²¹⁵

8.4. Yazidis

In August 2007, four coordinated suicide truck bombings destroyed two Yazidi towns, killing at least 400 civilians, wounding 1562 persons, and leaving more than 1000 families homeless. As a result of the targeted attacks, many have fled, and the number of Yazidis in Iraq fell from about 700,000 in 2005 to approximately 500,000 in 2010.²¹⁶ Yazidis are not recognized as an ethnic minority according to the KRG Constitution, but are considered Kurds. They are also treated as Muslims before the law. According to several interviewed sources, the situation of Yazidis living in the KRG area (mostly in the Erbil and Dohuk governorates) is stable, although it remains tense in the disputed areas.²¹⁷ For instance, in May 2011, a Yazidi farmer was abducted by armed men from his farm, which is situated west of Mosul city.²¹⁸ In another incident, two Yazidis were abducted in Sinjar district in the governorate of Ninawa in late September.²¹⁹

Most Yazidis originate from the disputed areas. Jabal Sinjar is regarded as the main center of Yazidis in Iraq. This area is about 115 km west of Mosul, and its inhabitants include Yazidis (about 70%) as well as Christians and Muslims (30%). The population in some villages in the Ninawa plains is also heavily Yazidi.²²⁰ A smaller community of Yazidis lives in Shaikhan, east of Mosul in the Ninawa governorate, but controlled by KRG. The holiest Yazidi shrine, the tomb of Shaykh Adi, is also located there, in Lalesh near Shaikhan (about one hour's drive from Dohuk).

A source mentioned that young Yazidi girls are not allowed to marry beyond their community and may be at risk of honour violence if they do. Many young Yazidis have reportedly committed suicide recently due to cultural and social factors, primarily relationships and marriages that have been entered into without the approval of the young persons' families. The disapproval typically arises when people from different religious and social backgrounds announce their plans for marriage.²²¹

8.5. Turkmen

Turkmen claim to be the third largest ethnic group in Iraq.²²² Turkmen live almost exclusively in the north, in an arc of towns and villages stretching from Tel Afar, west of Mosul, through Mosul city, Erbil, Altun Kopru, Kirkuk, Taza Khurmatu, Kifri, and Khanaqin, which means they reside mainly in the disputed areas as well as in the KRG region. The number of Turkmen in

²¹⁵ Meeting with the Chaldean Catholic Vicariate in Amman.

²¹⁶ Minority Rights Group International, June 2010.

²¹⁷ Meetings with Harikar NGO, the KCRO, and other sources.

²¹⁸ Aswat al-Iraq. May 25, 2011.

²¹⁹ Aswat al-Iraq. September 25, 2011.

²²⁰ Meeting with KCRO.

²²¹ IOM. Iraq Special report. July 2011.

²²² Minority Rights Group International, June 2010.

Iraq is unknown. Estimates vary from 600,000 by outside sources to 2 million by Turkmen sources.²²³ About 60% are Sunnis; the rest are Shiite (mainly twelver Shiites).

Turkmen normally have a good relationship with KRG authorities and the local population in the KRG area. According to a report by Minority Rights Group International in June 2010, Turkmen have assimilated into the general population and are no longer tribally organized.²²⁴ There are several legal Turkmen parties. The Iraqi Turkmen Front (ITF), which does not agree with the KRG's view of Kirkuk, has problems with KRG authorities. Tensions between Kurds and Turkmen mounted after the fall of Saddam Hussein's regime in 2003, with clashes occurring in Kirkuk, where Turkmen claim to have been a majority in the past.

The Turkmen claim to have arrived in the Kirkuk region even before the Turks arrived in Anatolia, and they can be viewed as an autochthonous people of the region. The Turkmen have strong bonds with Turkey. Since 2006, there have been reports by the UN and other actors of abductions of Turkmen by Kurdish security forces in the disputed areas. During the Iraqi War, both Sunni and Shiite Turkmen were targeted on sectarian grounds by various actors. The referendum on Kirkuk that was set to take effect in 2007 has been delayed. Occasional violence against members of the Turkmen community has occurred (e.g., in September, a Turkmen was abducted with three Christians during a hunting trip near Kirkuk city).²²⁵

8.6. Fayli Kurds

Fayli Kurds were stripped of Iraqi nationality during Saddam Hussein's regime. According to UNHCR's Basra office, since the passage of the new Nationality Law of 2006, Iraqi nationality has been restored to some 16,000 Fayli Kurds. Shiite Fayli Kurds generally face no problems in the KRG area because of their ethnicity. Most left Iran many years ago and settled in Iraq. According to the Bureau of Migration and Displacement (BMD) of the KRG, Fayli Kurds who return to Erbil are welcomed to the area.

Some Fayli Kurds have returned to Erbil, and some live in Sulaymaniya. Most Fayli Kurds, however, originate from the Diyala governorate / Khanaqin region. They are often prefer to return to their areas of origin. Thus they tend to contact government offices in Diyala or Baghdad instead of KRG authorities, such as the BMD.²²⁶ Newly arrived Fayli Kurds may have difficulty with registration and getting a plot of land for their families. Those with local connections have easier access to land.²²⁷

8.7. Kakai

An estimated 200,000 Kakai live in Iraq. Many live in different areas of the KRG region; most live in the region southeast of Kirkuk. The fact-finding mission learned there are very few Kakai in the Dohuk governorate.²²⁸ According to a Kakai who met with the fact-finding mission in Halabja, the Kakai community lives peacefully in the area.²²⁹ The Kakai have problems in the disputed areas, however. According to Minority Rights Group International, the Kakai have been subjected to threats, kidnappings, and assassinations, mainly in the

²²³ Minority Rights Group International, June 2010.

²²⁴ Minority Rights Group International. June 2010.

²²⁵ Arab Times, September 23, 2011.

²²⁶ Meeting with BMD.

²²⁷ Meeting with an international organization.

²²⁸ Meeting with Harikar NGO.

²²⁹ Meeting with Radio Denge Nwe.

Kirkuk area. Some Muslim religious leaders in Kirkuk have asked people not to purchase anything from Kakai shop owners, whom they perceive as infidels.²³⁰

8.8. Shabak

The Shabak live mainly in the Ninawa plains, as well as in Mosul city. They are estimated to number between 200,000 and 500,000. The Shabak are culturally distinct from Kurds and Arabs, have their own traditions, and speak a language that is a mix of Arabic, Farsi, Kurdish, and Turkish. About 70% of the Shabak are Shiites, and the rest are Sunni Muslims. The KRG refuses to recognize them as an ethnic minority and considers them Kurds. As the Shabak live mainly in the disputed areas, they have suffered persecution and forced assimilation. According to Shabak groups, more than 750 members of their community have perished in armed attacks since 2004. According to Harikar NGO, there are virtually no Shabak in Dohuk.²³¹

8.9. Arabs in the KRG area

It is very difficult for young male Arab Sunni Muslims from Mosul or Kirkuk to settle in the KRG area, as KRG authorities fear they may be involved in terror activities, belong to extremist groups, or subscribe to an Islamist ideology and because they used to have close ties to Saddam Hussein's regime. Many Arabs in the KRG area lack contacts and a network that would allow them to get by in daily life. Arabs in the KRG area also lack a political lobby. (See also Chapter 9 concerning IDPs.)

9. Internally Displaced Persons

Many waves of internal displacement have taken place in Iraq as a result of conflicts, sectarian violence, and forced population movements, both before and after 2003. After the bombing of the Al-Askari shrine in Samarra in February 2006, sectarian violence displaced approximately 1.5 million people. An estimated 250,000 of these IDPs were minorities.²³² After the relative improvement of the security situation in 2008, many IDPs returned to their place of origin. According to the UNHCR, some 840,000 IDPs returned between 2003 and 2010. During the first quarter of 2011, there were more than 10,000 IDP returns. According to IOM Amman, returns within Iraq have slowed and IDPs are integrating more and more into the area of displacement.²³³

Despite the steady returns, in April 2011 more than 1.3 million IDPs in Iraq were unable to go back to their homes, either because of the continuing volatile security situation or because their houses had been destroyed or severely damaged.²³⁴ Sporadic new displacement has also occurred in 2010 and 2011. This includes mainly Christians. Additionally, evictions of IDPs still occur. IDPs may have trouble accessing basic services, accommodations, and employment. Some live in extreme poverty, in places that are littered with rubbish and have open sewers. Some are forced to beg and turn to prostitution. Widows and single females are in a particularly vulnerable position, and many IDP children drop out of school to work in order to help their families.

²³⁰ Minority Rights Group International. June 2010.

²³¹ Meeting with Harikar NGO; Minority Rights Group International. June 2010.

²³² Minority Rights Group International. June 2010.

²³³ Meeting with IOM Iraq in Amman.

²³⁴ UNHCR. April 2011(a).

The loss of documents is another important issue with IDPs. The lack of documentation frequently leads to difficulties when registering with authorities. The UNHCR supports IDPs in acquiring documents. IDPs may also face problems with the transfer of documents such as school records or Public Distribution Cards for food rations from one area to another. This also hampers job searches.

The UNHCR coordinates shelter facilities and protection for IDPs with the assistance of other stakeholders, e.g., the Diyala Initiative (see Chapter 10 on returnees). Currently the Government of Iraq offers 1-5 million Iraqi dinar (\$840 - \$4200) to IDP families that return home. The Bureau for Migration and Displacement in the KRG organizes travel for returnees. The return package offered by the government includes legal elements, such as the restitution of property. Certain procedures and bodies are in place to deal with property restitution; however, the fact-finding mission heard that they have so far largely failed to deal with land and property disputes and complaints of property destruction.

The government bodies responsible for IDPs are the Iraqi Ministry of Displacement and Migration (MoDM or DDM) in Baghdad and the BMD (or BDM) in Erbil, which belongs to the KRG Ministry of Interior. The BMD cooperates closely with the MoDM in Baghdad as well as with the UNHCR and the International Committee of the Red Cross (ICRC). The MoDM has an office in Erbil as well. The BMD's offices are in Erbil, Dohuk, Sulaymaniya, and Kirkuk as well as the Soran district, where there are two small offices at the Iranian border, and the Mergasur district, where there is an office at the Turkish border. The fact-finding mission learned that a new office will be opened in the Germian area.

The BMD has existed since 1991. Its main goal has been the return of Iraqi citizens who have fled over time to neighbouring countries (Iran, Syria, and Turkey). The BMD has expanded along with the returns from Iran. The BMD has constructed houses, facilitated the returnees' studies in schools and universities, applied for identity cards for the returnees, and found jobs for them in the public sector. After 2003 the focus of the BMD changed to IDPs, as the sectarian and ethnic violence brought them to the KRG region from other parts of Iraq. Following an order by the MoDM, since June 15, 2010, the BMD no longer registers IDPs in the KRG area. The MoDM likewise does not register IDPs in Iraq.²³⁵ However, in the Dohuk province, the registration of IDPs is reportedly still going on.²³⁶

Unregistered IDPs may be unable to rent or purchase property, vote, obtain land titles, or access services. Eligibility for registration is linked to the date of displacement, which has excluded a significant number of individuals from receiving assistance. The fact-finding mission was reminded by the UNHCR that IDPs eligible for Iraqi government assistance by Decree 262 and Order 101 are those displaced between January 1, 2006, and January 1, 2008.²³⁷

9.1. Camps and settlements

Approximately 467,000 IDPs are living in 382 settlements around Iraq. Baghdad hosts the largest number of IDPs, with some 360,000 people and 121 settlements.²³⁸ A majority of returning IDPs travel to the Baghdad and Diyala governorates, which also host the highest concentration of post-2006 IDPs.²³⁹ According to the Swedish NGO Qandil, IDP camps look very different from one province to another. For instance, although there are two tent camps in Najaf, in Baghdad IDPs are often squatters in public buildings or small houses and are in danger of eviction. Most IDP settlements in Baghdad are inhabited by Shiites.

²³⁵ Meeting with BMD.

²³⁶ Danish Immigration Service. June 2011(a).

²³⁷ Meeting with UNHCR Iraq in Amman.

²³⁸ UNHCR. April 2011(a).

²³⁹ See UNHCR maps on IDP return.

According to Qandil, IDP camps in Salah al-Din are the most neglected IDP settlements in Iraq and receive little aid from the Iraqi government and international actors, apparently because the camps are inhabited by Sunnis and because of the fluctuating security situation, which complicates access for aid workers supporting the camps. Some IDPs in Salah al-Din reside in tents and are very poor. Access to school and health care facilities is scarce. Some camps are supported by the UNHCR, with local NGOs working with the IDPs. Most IDPs in camps are registered by the UNHCR and MoDM, but some inhabitants have not registered even with local authorities, as they fear doing so.

IDPs are scattered around the KRG region and live mostly in rented houses. They normally mix with the general population and are invisible. An exception concerning visibility is Ainkawa, a town near Erbil that is the destination for many Christian IDPs from other parts of Iraq. The difference between Ainkawa and Erbil is easily noticed. In Ainkawa, there are many businesses with Arabic names, and the area has many alcohol shops. Ainkawa is overcrowded, with many more Christian IDPs arriving after the church bombing in Baghdad in October 2010.

There are only a few small IDP camps and settlements in the KRG area. The inhabitants include victims of the Iranian and Turkish bombings in the Qandil area. One such facility is Sangaser Camp, with 250 families. The main problem in the IDP camps in the KRG area is a lack of sanitation, particularly during the hot season. Sanitation, clear water, and mobile health care are provided by international organizations as well as local NGOs. The Kalawa Camp in Sulaymaniya is inhabited mainly by Arab IDPs from Baghdad and Baquba. The Girdasen IDP camp in Akre is inhabited by IDPs from Mosul. According to Harikar NGO, many of these people were already living in the camp when a Finnish fact-finding mission team visited in 2007.²⁴⁰

9.2. Situation for IDPs in the KRG area

According to KRG authorities, there are about 39,000 IDP families in the KRG area.²⁴¹ Occasionally the number increases due to the regular bombing of the border area by Turkey and Iran. The number of IDPs has been growing steadily since 2003. The BMD keeps statistics on the IDPs but needs more support, for instance, in setting up a database of IDPs in the KRG. It remains difficult to find reliable information on the situation of IDPs and refugees in rural areas.²⁴²

Both return and some displacement occur in today's Iraq. New IDPs arrive in the KRG area while other IDPs return to their places of origin. The reasons for new displacement include hardships for minorities in certain areas and environmental problems such as the hard rain and floods that hit the Rawanduz and Erbil areas in March and April 2011. At the same time, there has not been much rain in the past three years in Northern Iraq, and agriculture has suffered from the drought. Because of this, many people are migrating from the countryside to urban areas such as Dohuk.

Many IDPs from Central and Southern Iraq reside in the KRG area because of the good security conditions. According to several interviewed sources, IDPs are generally safe and better supported in the KRG area than in the rest of Iraq. IDPs are free to move around and settle in the three northern governorates and can put their children in school.²⁴³ The Harikar NGO noted that IDPs normally have access to health care and education in the KRG area and may work if they can find a job. IDPs in the KRG area come from different social

²⁴⁰ Meetings with Qandil, Kurdistan Save the Children, and Harikar NGO.

²⁴¹ Meeting with the BMD.

²⁴² Meeting with NGOs in Amman.

²⁴³ Meeting with the BMD.

backgrounds. Some are well educated and wealthy, with their own houses and businesses. Others, e.g., many Arabs in the Sulaymaniya governorate, are low-income labourers. Most IDPs in the KRG area are Christians, mainly from Mosul and Baghdad, and Yazidis, who include some 700 families from the Ninawa governorate.

The small governorate of Dohuk has about 100,000 IDP individuals.²⁴⁴ This is a large burden on the province and its services, such as health care and education. The IOM and UNHCR have created a few thousand housing units for Arab and Christian IDPs in the KRG area. According to a source, there are only four Arabic schools in Erbil. Christians have their own schools in Ainkawa, run by local churches. Although schools for Arabic-speaking children, as well as churches, have been constructed, the integration of non-Kurdish-speaking IDPs remains problematic. Without command of the Kurdish language, IDPs have trouble finding decent jobs. In Erbil, an Arabic speaker can get by, for instance, as a salesman. The fact-finding mission met with a person who did not speak much Kurdish but had found a job with an international NGO.²⁴⁵

9.3. Situation for IDPs in Central and Southern Iraq

According to several interviewed sources, the situation for IDPs in different parts of Central and Southern Iraq varies, but generally remains very difficult. In the Ninawa and Kirkuk governorates, IDPs are basically vulnerable. This is particularly true in the case of single women and female-headed households (e.g., there are some 800 widows in Khanaqin). All IDPs are entitled to health care and generally have access to public hospitals and health care centers, but there is a lack of centers and doctors to care for all of them.²⁴⁶ IDPs can move freely, but mostly lack the financial means to do so. Many IDPs do odd jobs, but cannot find work every day. The lack of education also complicates their lives. Those IDPs who are well educated and wealthy can start a new life, but often without the land and property they have lost. IDPs are able to vote, and before elections, political parties tend to distribute food to them in order to get their votes.

9.4. Entry procedures to the KRG area / screening at the KRG border

The fact-finding mission learned that there have been no relevant, recent changes to KRG entry and screening procedures. UNHCR Iraq in Erbil indicated that there are no government statistics available on who has entered the KRG area and who has been denied access. There are four main entry checkpoints to the KRG area, which are controlled by the KRG Security Protection Agency. The checkpoints apply basically the same entry procedures.²⁴⁷

At the same time, some international organizations, NGOs, and the UNHCR claimed that the guidelines on entry practices are not consistent between the three northern governorates of the KRG or between checkpoints leading to a single governorate. There are also no published instructions or regulations on entry procedures, as these would be against the Iraqi Constitution. According to the UNHCR, entry often depends on the commander on duty and the commander's daily instructions at the checkpoint. The procedures can be tightened or relaxed according to the current security situation in the area.²⁴⁸

Several NGOs and the UNHCR have surveyed IDPs at different times concerning entry procedures to the KRG region at different checkpoints. A comparison of the results shows differences in entry practices between governorates and time periods. For instance, the

²⁴⁴ Information received from the BMD, November 14, 2011.

²⁴⁵ Meeting with an international organization.

²⁴⁶ Meeting with Qandil and other sources.

²⁴⁷ See also Danish Immigration Service. June 2011(a).

²⁴⁸ Meeting with UNHCR Iraq in Erbil and other sources.

surveys show that the need for a sponsor / guarantor has essentially ceased at a Dohuk governorate entry checkpoint, but that even at one checkpoint congruency can lack at different times.²⁴⁹

Iraqis enjoy freedom of movement within the country. At the same time, the freedom is sometimes theoretical, and access is not easy for everyone. Basically, all Iraqi citizens have the right to enter and work in the KRG region as long as they are not on the blacklist kept by the authorities. The blacklist, which includes information on people suspected of terrorist activities and those wanted by Interpol, is continuously updated and available at all checkpoints.²⁵⁰

The fact-finding mission learned that Arabs are screened more carefully than other passengers at the checkpoints. Sunni Arabs, especially those from the disputed areas, face difficulties such as harassment from security forces or arbitrary detention because local authorities may consider them terrorist suspects, possibly without actual evidence. The fact-finding mission learned that detained persons may be kept behind bars (mainly in the Asayish detention center in Erbil) for a considerable period based only on suspicion of being a terrorist. Most are released after a few weeks.²⁵¹

People who are denied entry to the KRG area are often not of Kurdish ethnicity. Kurds and Christians are generally allowed entry, whereas single male Sunni Arabs without a sponsor in the KRG area are refused. The UNHCR noted that female Arabs have also had trouble entering the KRG area. Single females are also at higher risk of harassment by authorities.²⁵² However, a source mentioned that Arabs from Central and Southern Iraq who invest in the KRG area are welcomed to the region.²⁵³ According to another source, IDPs with money are able to move to Erbil and start a business.

Anyone wishing to enter the KRG area who does not originate from the region typically needs to know someone there (a so-called sponsor / guarantor) or have a letter of reference from an employer in the KRG area. A sponsor is needed if the person wants to stay in the KRG area for more than 10 days or wants to register and seek residency in the region. If someone enters the KRG area and subsequently commits a crime, his or her sponsor will be punished and may even face a prison sentence.

A member of the immediate family or some other relative often acts as the sponsor. An institution such as an university can also act as a sponsor. The fact-finding mission received conflicting information during interviews on whether or not a church can act as a sponsor. The policy applied to Christians was said to have been relaxed after the bomb attack at a church in Baghdad in October 2010. Christians may currently be able to nominate senior clerics as sponsors. The fact-finding mission heard that it is easier for Kurds originating outside the KRG area than for persons of other ethnicities to find a sponsor in the region.

People who are exempt from needing a sponsor include highly qualified persons such as medical doctors, Iraqi members of parliament, or people who invest more than \$50,000 in the KRG area. According to several sources, a sponsor / guarantor is often not needed nowadays; instead, the person wanting entry needs to have a reference from someone in the KRG area. The UNHCR was of the opinion that the terminology has changed but that the sponsor system is basically the same as before.²⁵⁴

The entry procedure may include a phone call to a person in the KRG area or the arrival of the sponsor at the checkpoint. According to the UNHCR, a person without a sponsor may

²⁴⁹ Meeting with Harikar NGO.

²⁵⁰ Meeting with KRG authorities; Danish Immigration Service. June 2011(a).

²⁵¹ Meeting with an international organization; Danish Immigration Service. June 2011(a).

²⁵² Meeting with UNHCR Iraq in Erbil.

²⁵³ Meeting with a Western consulate.

²⁵⁴ Meetings with UNHCR Iraq in Erbil and a Western consulate.

end up on the blacklist. The UNHCR also told the fact-finding mission that security measures had been upped at the Green Line because of the spring 2011 demonstrations in the KRG area and estimated that there were more denials of entry to the KRG area because of the demonstrations. The UNHCR told of a case where a family was broken up at the border, as one member was denied entry to the KRG area.²⁵⁵

Anyone not holding a residency card and wanting to enter the KRG area needs to obtain an information card. These cards were previously issued by the residency office, but are currently issued by the Asayish. Once inquiries about the person have been conducted by the Asayish bureau, the information card, which is valid for one year, is issued. The fact-finding mission was told that the ability to obtain an information card may depend on the officer on duty and whether the applicant has connections in the KRG area. According to one source, there is a general policy of not issuing information cards to single Arab men and women because of fears of terrorism by the authorities. This problem has also affected single persons hired by international organizations. The information card, which can be renewed at the discretion of the Asayish, allows one to rent a house and send children to school.²⁵⁶

Persons staying in the KRG area a month or less need only register with the Asayish and obtain a visa-like document, which is not an information card. The fact-finding mission learned that IDPs without registration are at risk of refoulement to Central Iraq. If they do not leave the KRG area after one month, they risk being arrested, included on the blacklist, and deported from the KRG area.²⁵⁷ The fact-finding mission learned from an NGO that in addition to regular IDPs from Central and Southern Iraq, migrants to the KRG area include poor people sent there by criminal gangs to beg on the streets. The KRG police apparently detain beggars and deport them from the KRG area, but they often cross the Green Line again the next day. Why such persons are able to enter the KRG area and the scale of the phenomenon require more study.

10. Returnees

According to the UNHCR, some 470,000 refugees returned to Iraq between 2003 and March 2011. There was a slight decrease in returns in 2010, followed by a slight increase in the spring of 2011.²⁵⁸ Some 10,000 individuals returned to Iraq in January-March 2011. Returns have increased mostly because of improvements in the security situation and in basic services in Iraq in recent years.²⁵⁹ The return of thousands of people to the KRG area from Europe (particularly from the UK, Norway, Germany, and Sweden) was mentioned by a KRG authority.²⁶⁰ Altogether, more than 8000 families have returned to the disputed areas over the years. Of these, approximately 60% have returned to the Kirkuk governorate.²⁶¹ The rate of IDP returns has gradually decreased in recent years, and returns from abroad currently represent a larger proportion of all returns.²⁶²

10.1. Areas of return

Between April 2010 and March 2011, 1170 refugees from abroad returned to Diyala, 1180 to Erbil, 380 to Salah al-Din, 320 to Ninawa, 350 to Kirkuk, 190 to Dohuk, and 100 to

²⁵⁵ Meeting with UNHCR Iraq in Erbil.

²⁵⁶ Meeting with a Western consulate and an international organization.

²⁵⁷ Meeting with an international organization.

²⁵⁸ Meeting with UNHCR Iraq in Amman; UNHCR. *Monthly Statistical Update on return – March 2011*.

²⁵⁹ Meeting with KRG authorities.

²⁶⁰ Meeting with KRG authorities.

²⁶¹ IOM. Iraq Displacement reports. November 2010.

²⁶² IOM. February 2011(b).

Sulaymaniya.²⁶³ The UNHCR recommends that deportees should not be returned to five governorates (Baghdad, Ninawa, Salah al-Din, Kirkuk, and Diyala).²⁶⁴ Return to anywhere in the KRG area is possible for people originating from the three northern governorates. For instance, a person from Sulaymaniya can return to Erbil, and vice versa. However, the IOM notes that people originating from outside the three northern governorates (e.g., from Baghdad) cannot return to the KRG area.²⁶⁵

The fact-finding mission was told that the Government of Iraq has taken some positive steps to properly address return challenges in the country. The Diyala Initiative was mentioned as an example.²⁶⁶ According to the UNHCR, 139,070 IDPs and refugees returned to the Diyala governorate between July 2008 and December 2010. The Diyala Initiative has strived to prevent conflict and consolidate peace in the governorate by tackling good governance, respect for human rights, social justice, and access to social services.²⁶⁷

Assisted by UN agencies and the IOM, the State of Iraq has aimed to create conditions for sustainable return by focusing on water, electricity, agriculture, shelter, and infrastructure in the Diyala Initiative. Approximately 20,000 short-term jobs had been created and lost property compensated for more than 10,000 persons by January 2011. The Diyala Initiative is meant to be a precedent for return and reintegration programs in other Iraqi governorates. Almost all returnees to the Diyala governorate have been Shiite and Sunni Arabs.²⁶⁸ Although return to the Diyala governorate has been a success, the UNHCR has noted that the social fabric of the governorate is fragile and that existing ethnic divisions and tensions may still impede the reintegration process and reverse the security gains.²⁶⁹

10.2. IOM on returns

According to the IOM, Iraq ranked third in countries of origin for assisted voluntary returns from European countries (i.e., from the EU, Norway, and Switzerland) in May of 2011.²⁷⁰ From 2003 to January 2011, the IOM helped approximately 18,800 individuals return to Iraq from 47 countries.²⁷¹ Returns occurred to Erbil (69%), Baghdad (19%), Sulaymaniya (10%), and Basra (2%). Males represented approximately 95% of the returnees, and females 5%. Some 53% of the returnees were aged 25-34, and approximately 89% were between the ages of 18 and 54. Concerning the level of education, about 36% had a primary school education and 24% had a secondary school education. The status of 23% of the returnees was not revealed, possibly due to their low educational level.²⁷²

In the reintegration process, the returnees were employed in the following sectors: retailers or distributors / trade (55%), agriculture (22%), services (12%), manufacturing (9%), and transport (2%). Job placements included employment as manual workers (33%), salespersons (15%), and other categories such as sales assistants, drivers, guards, barbers, or accountants.

The IOM's Community Assistance Projects (CAPs) are small infrastructure programs in local communities. CAPs increase the absorption capacity and ease the stress on communities receiving returnees by providing basic access to public services. With the cooperation of

²⁶³ UNHCR. *Refugee Return to Iraq April 2010 – March 2011* [map].

²⁶⁴ Meeting with UNHCR Iraq in Amman.

²⁶⁵ Meeting with IOM Iraq in Erbil.

²⁶⁶ Meeting with the Development Cooperation of the European Union to the Republic of Iraq in Amman.

²⁶⁷ UNHCR. *Diyala Initiative. UNHCR Activities 1.1.2011-31.3.2011*.

²⁶⁸ UNHCR. *Diyala Initiative. UNHCR Activities 1.1.2011-31.3.2011*.

²⁶⁹ UNHCR. October 2009.

²⁷⁰ IOM Iraq. May 15, 2011.

²⁷¹ IOM. January 2011.

²⁷² IOM Iraq. May 15, 2011.

local authorities, recently implemented CAPs include the rehabilitation of a playground and primary school in the Ninawa governorate and the provision of an ultrasound machine in an Erbil health center.²⁷³

IOM Iraq has hubs in Baghdad, Erbil, and Basra and more than 20 suboffices. The IOM works with Iraqi authorities, particularly the Iraqi Ministry of Displacement and Migration (MoDM) and the Bureau of Displacement and Migration (BMD) in the KRG. In 2003, IOM Iraq moved its office from Baghdad to Amman. Approximately 90 staff members are positioned in Amman and 300 in Iraq. The Movement and Assisted Migration department at IOM Iraq works with Assisted Voluntary Return and Reintegration (AVRR) programs, resettlement, and assistance to Third Country Nationals. IOM Iraq has organized various activities, including capacity building for Iraqi government officials and direct assistance to internally displaced persons and vulnerable residents.²⁷⁴

According to IOM Iraq, the Iraqi administration needs more capabilities. Resources exist, but corruption and bureaucracy are significant problems.²⁷⁵ The lack of harmonization of AVRR programs in different countries is also challenging for IOM Iraq. For example, time limits set up by countries for reintegration assistance, such as requirements that the reintegration money be used soon after return, may be problematic. According to IOM Iraq, good relations between local authorities and other actors in the return process are essential to ensure the successful reintegration of returnees.²⁷⁶

10.3. Reintegration assistance

Reintegration assistance in IOM's AVR program is a mix of cash and in-kind contributions, including setting up of microbusinesses, job placements, salary subsidies, vocational training, and education. Medical assistance and a housing allowance may also be included. The fact-finding mission heard that the cash component of the reintegration assistance is generally more valued by returnees than training and education. Many returnees prefer to receive the cash assistance sooner rather than later. The reason why young men prefer the cash component needs more study. According to IOM Iraq, it is wiser to make several cash installments than to make just one.²⁷⁷

Several sources praised the reintegration assistance given to returnees. At the same time, some sources complained that it is not sufficient to start a new life. It was also argued that the return cash payment offered by the Iraqi government is too small.²⁷⁸ According to KRG authorities, the finances of returnees often are depleted after a few months.²⁷⁹ The fact-finding mission was told that the reintegration cash given to women returning alone is often shared with a husband and / or close relatives.²⁸⁰

KRG authorities told the fact-finding mission that help is needed to create a better environment for returnees. As an example of a helpful project, authorities mentioned a German school for returnee children set up by the consulate of that country.²⁸¹

²⁷³ IOM Iraq. May 15, 2011.

²⁷⁴ Meeting with IOM Iraq in Erbil; IOM. February 2011(c).

²⁷⁵ Meeting with IOM Iraq in Amman.

²⁷⁶ Meeting with IOM Iraq in Erbil.

²⁷⁷ Meeting with IOM Iraq in Erbil.

²⁷⁸ Meetings with KCRO and NGOs in Amman.

²⁷⁹ Meeting with KRG authorities.

²⁸⁰ Meeting with IOM Iraq in Erbil.

²⁸¹ Meeting with KRG authorities.

10.4. Forced returns

KRG authorities who met with the fact-finding mission were against forced returns and encouraged voluntary returns. The authorities claimed that some Kurds who have been registered in Europe as Iraqi Kurds are actually from Turkey or Iran. The authorities told the fact-finding mission that they had brought this to the attention of European officials. The authorities expressed a desire to know more about the people to be returned to the KRG area. According to the authorities, the KRG cannot provide housing for all returnees.²⁸²

According to the UNHCR, the KRG rejects any forced returns. The UNHCR considers deportations to Baghdad to be potentially dangerous, as many deportees have no documents, and in some cases, these persons have been detained for days or even weeks after their arrival in Iraq. The commission maintains that it is difficult to verify how deportees are treated in custody. Some returnees have claimed they were maltreated and forced to pay bribes to the authorities.²⁸³

The UNHCR is concerned about deportations from several European countries to Iraq. The organization provides information for deportees at the Baghdad International Airport (BIAP) and has observed that most deportees are young men, although families with small children have also been deported. The UNHCR is also concerned about the deportation of people who originate from the five central governorates to which return is discouraged by the organization. UNHCR is concerned, for instance, about the deportation of Christians living in Mosul and Baghdad as well as LGBT individuals.²⁸⁴

Concerning forced returns from Europe, IOM Iraq questioned whether enough was being done to inform failed asylum seekers about the option of voluntary return. There are currently about 2000 voluntary returns of Iraqis each year through the IOM. Many returnees stayed abroad for a long period, which complicated their return. Return may simply not be viable for all persons.²⁸⁵

An international organization told the fact-finding mission that some returnees have ended up in prison. The fact-finding mission was told of a case where a woman returning from Europe in April 2011 was taken to an Asayish prison in Sulaymaniya because, officially, she had a falsified passport. The fact-finding mission was not told of systematic questioning of returnees by Kurdish authorities.²⁸⁶ Some sources thought that return on a large scale may be problematic for the KRG area.

10.5. Primary needs of returnees

IOM Iraq stresses that if a returnee has a network of family and friends in the area, reintegration is more viable.²⁸⁷ The socioeconomic situation of the family of the returnee also has a considerable impact on the reintegration process. Good security, prospects for education and work, good health care, and basic services such as electricity are some of the returnees' primary needs. The reintegration of returnees depends also on their relations with local authorities.²⁸⁸ Registration is essential to a returnee so that he or she is eligible for return assistance.

²⁸² Meeting with KRG authorities.

²⁸³ Meeting with UNHCR Iraq in Erbil.

²⁸⁴ Meeting with UNHCR Iraq in Amman.

²⁸⁵ Meeting with IOM Iraq in Amman.

²⁸⁶ Meeting with an international organization.

²⁸⁷ Meeting with IOM Iraq in Amman.

²⁸⁸ Meeting with IOM Iraq in Erbil.

Education and health care are available to basically everyone, including returnees, in the KRG area.²⁸⁹ However, according to IOM Iraq, a more integrated approach to reintegration is needed between various aid organizations. The individual skills of the returnees should be incorporated more clearly into delivery packages.²⁹⁰ It is important to give returnees accurate information on the return process and conditions in the area of return. The better planned the return is, the better prepared the returnees are to face the challenges and reintegrate into the local community.²⁹¹

According to KRG authorities and several other sources, people who left the KRG area often sold all their belongings to make the journey. If they are forcibly returned, they face a difficult economic situation.²⁹² Some migrants may have persuaded their family to sell the house before leaving. In other cases, the family may have invested in the person's migration to Europe. After failure, returnees who have lost their finances must confront their families and debtors, which is difficult. Many returnees also notice how their friends have advanced in their lives while they have been abroad. Some returnees have committed suicide in these circumstances.²⁹³

The fact-finding mission was told that children benefit from a better standard of living in Europe.²⁹⁴ In the KRG area, elementary school is free, but good private schools can cost up to \$3000 per child per year. Non Kurdish-language schools are hard to find in the KRG area. Youths in Iraqi Kurdistan also complain that there is not enough recreation for them.²⁹⁵

Returnees to the KRG area have mentioned the responsibility of supporting their families while keeping up with debts and living expenses in a poor economy as their main difficulty. Living and working abroad enabled migrants to send significant remittances back to Iraq. Nevertheless, many returnees found separation from family and their community in Iraq to be challenging and have cited reuniting with family as the primary reason for their return.²⁹⁶

Returnees to the disputed areas, particularly Kirkuk, reportedly feel more insecure than other returnee families in Iraq. Housing is a priority for them. Food is also a problem, as some returnees have reported lack of access to Public Distribution System (PDS) rations, e.g., in Kirkuk. Returnees find the conditions particularly difficult in places under the mixed administrative control of the KRG and other authorities, where they tend to suffer from neglect and the lack of services. Sectarian tensions and related problems such as property disputes complicate the return of Kurds to Arab-dominated areas, and vice versa.²⁹⁷

Returnee families in the Ninawa governorate are increasingly moving from villages and rural towns to cities because of problems with agriculture such as water scarcity and the lack of jobs and agricultural subsidies. Environmental change and drought have increasingly contributed to displacement and may cause future problems in several governorates in Northern Iraq.²⁹⁸

²⁸⁹ Meeting with Harikar NGO.

²⁹⁰ Meeting with IOM Iraq in Amman.

²⁹¹ Meeting with IOM Iraq in Erbil; IOM Iraq. May 15, 2011.

²⁹² Meeting with KRG authorities and Harikar NGO.

²⁹³ Meetings with IOM Iraq in Erbil, NPA, and University of Duhok (UoD).

²⁹⁴ Meeting with UoD.

²⁹⁵ Meetings with IOM Iraq in Erbil and the KCRO.

²⁹⁶ IOM. January 2011.

²⁹⁷ IOM Iraq Displacement reports. November 2010.

²⁹⁸ IOM. February 2011(b); IOM Iraq Displacement reports. September 2010.

10.6. Getting a job

Several sources mentioned the lack of work, particularly for well-educated citizens, and the fact that most jobs are in the public sector as obstacles to return to the KRG area. KRG authorities maintained that they cannot provide jobs for all returnees.²⁹⁹ There is also a lack of vocational training, and social benefits for the unemployed are minimal.³⁰⁰ IOM Iraq mentioned the high unemployment rates, particularly in the Dohuk and Diyala governorates.³⁰¹

Competition in the job market is tough in the KRG area. Employers need skilled workers,³⁰² and work is available for those with good qualifications and connections. Without personal connections, however, it is difficult to find employment.³⁰³ Many jobs have been described as unsustainable.³⁰⁴ After the fact-finding mission, it was reported that the KRG Ministry of Social Affairs, together with international and local partners, has prepared a draft policy to eradicate unemployment. The draft policy includes unemployment benefits for graduates from universities and other educational institutions.³⁰⁵

The fact-finding mission was told that although a law requires that companies in the oil and gas business give priority to local people for employment, in reality the law is rarely implemented.³⁰⁶ Companies in fields such as information and communications technology (ICT), professional services, manufacturing, and construction demand skills that returnees often do not have. As a result, foreign labor is hired.³⁰⁷ Some employers have the attitude that skilled workers can only be found abroad and thus do not hire locally.³⁰⁸ At the same time, sources told the fact-finding mission about unemployment among the educated and about educated people who worked in jobs beneath their skill levels, e.g., an engineer working in a restaurant.³⁰⁹

Because of attitudes and current practices in the job market, there is an increasing number of foreign workers from Southeast Asia and elsewhere in the KRG area. The employment of non-nationals is cheaper and was attributed by some sources to the fact that people in the KRG area prefer to work in the civil service sector rather than in the hard jobs offered by industry. As an example of a situation where the demands of the job market do not meet the expectations of job seekers, the fact-finding mission heard that there is a lack of nurses in the KRG area, as the profession is not attractive to many job seekers.³¹⁰

Women have trouble finding jobs, and when they return with a male partner, their reintegration assistance may be spent on the partner.³¹¹ Returnees from Europe sometimes approach local NGOs in search of work and are referred by them to employment authorities.³¹² Many young returnees seek low-skilled jobs, such as taxi driver, or become entrepreneurs and set up businesses. According to IOM Iraq, jobs in construction, manufacturing, trade, and tourism are available in Erbil. Language skills are needed for some

²⁹⁹ Meetings with NGOs in Amman, IOM Iraq in Erbil, Harikar NGO, the KCRO, UoD, and KRG authorities.

³⁰⁰ Meetings with a Western consulate and the KCRO.

³⁰¹ IOM. February 2011(b).

³⁰² Meeting with IOM Iraq in Erbil.

³⁰³ Meetings with Harikar NGO, IOM Iraq in Erbil, and IOM Iraq in Amman.

³⁰⁴ IOM. January 2011.

³⁰⁵ Kurdish Globe July 16, 2011.

³⁰⁶ Meeting with KRG authorities.

³⁰⁷ Meetings with NGOs in Amman and IOM Iraq in Erbil.

³⁰⁸ Meeting with IOM Iraq in Erbil.

³⁰⁹ Meeting with KRG authorities.

³¹⁰ Meeting with KRG authorities; All-Party Parliamentary Group (APPG). 2011.

³¹¹ Meeting with IOM Iraq in Erbil.

³¹² Meeting with Harikar NGO.

jobs, e.g., those in the tourism sector.³¹³ Returnees have also created new jobs in Iraqi Kurdistan. For instance, many more newspapers exist today than in the past because of the input of returnees.³¹⁴

A KRG authority claimed that the area is rich in oil, and that job opportunities in Iraq are good compared with neighboring countries.³¹⁵ The fact-finding mission was told that there are currently more returnees to the KRG area from one European country than KRG citizens migrating to that country, a fact attributed to the booming KRG economy.³¹⁶ In the neglected agricultural sector, jobs are hard to find.³¹⁷ Farming is difficult because of drought problems in Northern Iraq, the unproductive local economy, and the fact that cheap agricultural goods are imported from Iran and Turkey. There is no compensation for agricultural losses, as the general budget is allocated to construction rather than agriculture.³¹⁸ Some sources also complained about the bureaucracy and the many permits involved in opening one's own business. In addition, the banking system is underdeveloped, which makes it difficult to protect one's savings.³¹⁹

10.7. Youths discouraged from migrating abroad

Iraq has a large population of young people. Many Kurdish youths are migrating abroad, looking for a better life, a better economic situation, and a good education. Kurds often have relatives in Europe and want to join them.³²⁰ Some returns to the Iraqi Kurdish areas fail, however; for example, some returnees are still without a job after six months in Iraq.³²¹ Sometimes IOM Iraq learns from the returnee's family that the person has left the country a second time. IOM Iraq has no statistics on how many returnees have left again for Europe, but the number is not assumed to be high.³²² Some of these persons are again forcibly returned to Iraq.

The majority of people leaving the KRG area have no clear idea about the realities in the outside world, such as economic opportunities and the general difficulties awaiting them at their migration destination.³²³ Several sources said they try to discourage youths from migrating abroad. For instance, the NGO KCRO wants to educate young people about their role and duties in society and discourages them from leaving for Europe, explaining that migration is not a solution. According to the NGO, some youths take note of the advice, some do not. The KCRO has arranged "migration prevention" workshops around the issue.³²⁴

10.8. Returns from Jordan and Syria

In 2010 there were 25,000-50,000 returns from Syria and Jordan to Iraq. An increase in returns from Syria has been observed, mainly due to the refugees' lack of financial security in Syria; however, most were said to return only temporarily. By May 2011 no change in border traffic between Iraq and Syria had been observed, despite the conflict in Syria.³²⁵ IOM Iraq mentioned that Iraqis still migrate in both directions. The organization had noted a slight

³¹³ Meeting with IOM Iraq in Erbil.

³¹⁴ Meeting with the KCRO.

³¹⁵ Meeting with KRG authorities.

³¹⁶ Meeting with a Western consulate.

³¹⁷ Meeting with the KCRO.

³¹⁸ Meeting with IOM Iraq in Erbil.

³¹⁹ Meeting with KCRO; IOM Iraq. May 15, 2011.

³²⁰ Meeting with KCRO and KRG authorities.

³²¹ Meeting with an international organization.

³²² Meeting with IOM Iraq in Amman.

³²³ Meeting with an international organization.

³²⁴ Meeting with the KCRO.

³²⁵ Meeting with UNHCR Iraq in Amman.

increase in the number of returns from Syria to Iraq but added that this was not yet a mass movement.³²⁶ According to UNHCR Iraq, deportation of Iraqi refugees from Syria does occur.³²⁷

The fact-finding mission was told that Iraqi Christians in Jordan live in poverty and often have no hope of returning to Iraq. Some Christians have returned to Iraq from the United States, mainly because of financial difficulties.³²⁸ Regarding resettlement, IOM Iraq noted that attitudes in Europe have become tougher, and resettlements have decreased. In mid-May 2011, there were approximately 15,000 Iraqis waiting for resettlement from Jordan.³²⁹

10.9. Meetings with four returnees

With the kind assistance of IOM Iraq in Erbil, the fact-finding mission was able to meet with four returnees. Here are their stories, which illustrate the experiences of some returnees in the KRG area.³³⁰

- A middle-aged man with a wife and child had lived for one to two years in Switzerland and returned to Iraq five months before the fact-finding mission, after receiving a negative decision from Swiss immigration authorities. After the family's arrival in Erbil, the IOM prepared a clear plan for his reintegration. The returnee praised the IOM's good work in front of the fact-finding mission. At the same time, he criticized the amount of reintegration assistance, stating that it was not enough, but still better than nothing. The returnee found a job as a radio operator within three weeks of his return to the KRG area and earns about \$700 monthly based on a two- to three-year initial contract. The salary is enough for living expenses, as the family had a house and no debts at the time of their return. The returnee speaks English and Arabic well and has information technology (IT) skills.

Among the advantages of returning to Iraq, the man mentioned being close to his family and being able to use his native language. One disadvantage was the lack of competent health care staff in Iraq, as opposed to Switzerland, and difficulty finding treatment for the child's illnesses. The returnee also praised the human rights situation in Switzerland. When asked how he would advise young Kurds who are contemplating migrating abroad, the returnee said it depended on the situation. If the young person has no problems in the KRG area, he would not encourage migration.

When asked about problems living in Switzerland, the returnee mentioned being far away from his family. He said that many Iraqis are unhappy in Switzerland and would like to return to Iraq. The returnee thinks that return is problematic if one does not have a house or apartment. According to the returnee, there are jobs for Arabic- or English-speaking people in the KRG area; computer skills are also an advantage. The returnee indicated that many young people are willing to leave Kurdistan and said the reasons include the recent demonstrations.

- A middle-aged male returnee had lived for four or five years in Switzerland with a temporary residence permit. He returned because his family wanted him to. At the time of the fact-finding mission, he worked with a family member in a small supermarket in the Erbil area. The business was doing well, and the meeting with the fact-finding mission was constantly interrupted by customers coming in and out of the shop.

³²⁶ Meeting with IOM Iraq in Amman.

³²⁷ Meeting with UNHCR Iraq in Amman.

³²⁸ Meeting with the Chaldean Catholic Vicariate in Amman.

³²⁹ Meeting with IOM Iraq in Amman.

³³⁰ Meeting with IOM Iraq in Erbil and four returnees. For similar information, see *Stories of return: the challenges of Integration and Re-integration in Sweden and Iraq*, a DVD by IOM Iraq.

- A young male returnee from Norway had fled Iraq because of violence in the disputed areas. The returnee had been given a negative response to his asylum application in Norway. Since his return, he had been working for two months at a hotel in Erbil; his six-month initial contract included eight-hour shifts as a housekeeper and other tasks with a one-hour lunch break. The monthly salary was \$350-\$400. The returnee complained that the salary was not large enough, as he had to care for a family member.

The returnee was trying to sort out some tax refunds with Norwegian authorities that he claimed had not been paid before his return to Iraq. The returnee thought life had been good in Norway, where he had lived for several years, and was thinking of leaving for Europe again. The returnee thought that many people leave the Iraqi Kurdish area mainly to find jobs. According to him, return after a year abroad is no problem, but reintegration is a problem for those who have been away for many years.

- A male returnee from Norway had spent less than 10 years there and had returned approximately six months earlier. At the time of the fact-finding mission, his family had a small kiosk in the street in Erbil, open from 9 a.m. to 7 p.m. The returnee worked at the kiosk and said the business was hard, as the income was small and buying products for sale was expensive. The returnee had no clear ideas about what to do in the future. He said he would like to go back to Europe legally.

The returnee thought that those who have been away for one or two years have no problem returning to Iraq, but that return after many years is difficult. He mentioned that his family was happy when he returned to the KRG area. When asked how he would advise those thinking about migrating abroad, the returnee said they should not leave unless they understand the asylum process. The returnee was of the opinion that there are jobs only in construction in the KRG area. The returnee told the fact-finding mission of a relative who was a university graduate but could not find work. According to the returnee, one has to have good connections to be employed. The returnee added that the IOM had been good to him.

10.10. Projects and studies on return

The fact-finding mission learned that EU Development Cooperation has supported a project called *Support to the return and reintegration of returnees and Internally Displaced People inside Iraq*, the duration of which was January 2009 to December 2010. The project was implemented by the UNHCR. The final report was forthcoming.³³¹

In 2010 researchers at the University of Dohuk and CMI (Chr. Michelsen Institute) carried out a research project on Kurdish returnees from Norway. 60 returnees were interviewed in the Iraqi Kurdish areas. The final report was presented to the Norwegian Directorate of Immigration (UDI).³³² The WADI NGO mentioned that more research on migration is needed, and claimed that the goals and ambitions of youths in Iraqi Kurdish areas have not been properly researched).³³³

³³¹ Meeting with the Development Cooperation of the European Union to the Republic of Iraq in Amman.

³³² Meeting with UoD. The report, CMI Report R 2011:4, *Between two societies. Review of the Information, Return and Reintegration to Iraq (IRRINI) programme*, can be found at <http://www.cmi.no/publications/file/4155-between-two-societies-review-of-the-information.pdf> (Accessed February 1, 2012).

³³³ Meeting with WADI.

11. Foreign Refugees

The Government of Iraq is not a signatory to the 1951 UN Convention Relating to the Status of Refugees. The protection of refugees in Iraq is currently governed by the 1971 Political Refugee Act (Law 51). A new refugee law has been drafted but is still pending with the Iraqi Parliament and the Shura Council.³³⁴ The Iraqi MoDM in Baghdad and the Bureau of Migration and Displacement in Erbil, which belongs to the KRG Ministry of the Interior, are responsible for refugees and asylum seekers in Iraq, who are mostly from Iran, Syria, or Turkey.³³⁵

In 2008, the Government of Iraq began a nationwide registration of refugees with the aim of giving them a wider range of rights and services, including access to education and health care and the right to work and travel. By July 2011, with technical support from the UNHCR, the Permanent Committee for Refugee Affairs of the Iraqi Ministry of Interior had completed the registration and issuance of refugee residence cards to nearly all refugees in Iraq, including some 30 Syrian refugees in Mosul (recognized on both individual and prima facie bases by the UNHCR) and 10,502 Palestinian refugees residing primarily in Baghdad and Mosul.³³⁶

In the KRG area, refugees receive a “letter of support” from the BMD with a number called “the code.” With this number, they can send their children to kindergarten or to school. There are many Iranians and Syrians in KRG schools and universities. For better access to various services, foreign refugees need a residency card, or iqama, from the Directorate of Residency after their residency is approved by the Asayish.³³⁷

If the residency is denied by the Asayish, the residency card will not be issued. Residency cards are valid for one, three, or six months and allow basic access to public hospitals and health care centers. The Harikar NGO noted that six-month residency cards issued for refugees are not always renewed by the refugees themselves, although renewal is possible. This creates problems for refugees, who may receive a small penalty for not having a valid residence card. KRG residency offices are also organizing mobile teams to help refugees with residency issues.³³⁸

According to the UNHCR, the principle of non-refoulement has largely been respected in the KRG area despite one notable exception in early January 2011, when a recognized Iranian refugee was deported to Iran under circumstances that remain unclear but may have constituted a forced return.³³⁹ The fact-finding mission was also told by other sources of deportations of Iranian citizens from the KRG area to Iran. Thus, there is a risk that detained foreign nationals will be deported against their will.³⁴⁰ The fact-finding mission also learned that foreign refugees in the KRG area do not have the right to acquire a driver’s license or register a car in their name. At the same time, however, many refugees work as taxi drivers.³⁴¹

³³⁴ Meeting with UNHCR Iraq in Amman.

³³⁵ Meeting with BMD.

³³⁶ UNHCR, July 4, 2011.

³³⁷ To acquire an iqama, one must go to the directorate responsible for residency issues and apply for the card. At the directorate, the applicant is interviewed and an applicant file is prepared. The file is then transferred to the Asayish. One must then go to the Asayish to get the residency approved. After approval by the Asayish, one is able to collect the residency card from the Directorate of Residency. Some sources mentioned that it is currently not the Directorate of Residency that issues the iqama, but the Asayish. It is possible that some interviewed sources confused the iqama with the information card.

³³⁸ Meetings with BMD and Harikar NGO.

³³⁹ Meeting with UNHCR Iraq.

³⁴⁰ Meetings with international organizations.

³⁴¹ Meetings with UNHCR Iraq and Harikar NGO.

In the KRG area, foreign refugees seem to enjoy freedom of movement, but they may be limited as far as traveling to governorates in Central and Southern Iraq. According to KRG authorities who met with the fact-finding mission, Iranian and Turkish refugees are able to move around in cities close to their respective refugee camps, for example, in Erbil and Makhmur. According to an NGO, refugees in Dohuk can move at will around the governorate and even outside it. According to another NGO, refugees holding a UNHCR refugee card can move freely in the KRG area. According to one report, some Iranians from Barika Camp were able to visit relatives in Ramadi (Anbar province) with their UNHCR documents.³⁴²

Concerning health care, UNHCR Iraq noted that there is a lack of doctors in refugee camps. A doctor may see a hundred patients on a daily basis, having perhaps five minutes for each patient. There is also a lack of quality drugs, and the drugs used in refugee camps are often second-class, outdated medications. Health care services offered to IDPs and refugees are generally of poor quality.³⁴³

11.1. Population figures of refugees in the KRG area

In April 2011, the UNHCR cited 35,678 refugees and 3621 asylum seekers as populations of concern in Iraq and provided them with protection and material assistance. The UNHCR had 13 refugee camps and settlements in Iraq, the major ones being Al-Walid Camp³⁴⁴ for Palestinians, Iranian Kurds, and Ahwazis in the Anbar governorate, Makhmur Camp for Turkish Kurds, Kawa Camp in the Erbil governorate for Iranian Kurds, and the Barika settlement for Iranian Kurds in the Sulaymaniya governorate.³⁴⁵

According to Qandil, some 25,000 Iranian and Turkish refugees and more than 1000 Syrian asylum seekers reside in the KRG area and parts of the Ninawa governorate.³⁴⁶ There is a consistently large number of long-term refugees in the KRG area today. In addition to the actual camps, there are several settlements for refugees in the KRG area and many refugees also live scattered around cities, mainly Erbil, Sulaymaniya, Dohuk, and Zakho. There is no significant influx of asylum seekers in the KRG area these days, but there is a steadily high number of refugees.

³⁴² Meetings with Harikar NGO, Qandil, and KRG authorities.

³⁴³ Meeting with UNHCR Iraq in Erbil.

³⁴⁴ In May 2011, 241 Palestinians, 174 Iranian Kurds, and 101 Ahwazis (Iranian Arabs) remained in Camp Al-Walid.

³⁴⁵ UNHCR. April 2011(b).

³⁴⁶ Meeting with Qandil.

Name of Camp/Site	Type of Beneficiaries	No. of Families	No. of Individuals	Male	Female	Children
Makhmur Camp	Refugees	2,350	11,000	5,371	5,629	3,540
Kawa Camp	Refugees	240	1,400	710	690	480
Erbil City	Refugees	157	512	255	257	150
Ex-PMOI	Refugees	0	14	14	0	0
Barika Camp	Refugees	426	2,570	1,234	1,336	678
Scattered Suleimania	Refugees	637	3,185	1,540	1,645	842
Hussaynia	Refugees	101	534	276	258	299
Darato	Refugees	100	537	279	258	290
Malabrwan	Refugees	21	107	53	54	59
Mesirik	Refugees	265	1,319	654	665	763
Gregawre	Refugees	152	805	407	398	450
Muqobla Camp	Refugees	23	100	52	48	58
Balqus	Refugees	26	139	70	69	78
Seatt. Duhok	Refugees	94	562	273	289	308
Seatt. Zakho	Refugees	195	1,071	543	528	603
Sheladize	Refugees	161	640	325	315	280
Total		4,948	24,495	12,056	12,439	8,878

Numbers of refugees in the KRG area in May 2011; provided by Qandil to the fact-finding mission.

11.2. Turkish refugees and Makhmur Camp

There are some 16,000 Turkish asylum seekers and refugees in Iraq, mainly in Makhmur and Dohuk. According to several interviewed sources, about 11,000 Turks live in Makhmur Camp, which is located in the disputed territories but is controlled by the KRG.³⁴⁷ Makhmur's inhabitants fled from Turkey to Iraq in 1994. They first resided in Atrush Camp near the Turkish border. In 1997 the refugees basically split into two groups. Some 4000-5000 refugees moved to local settlements in the governorates of Dohuk and Erbil.³⁴⁸ A larger group relocated to Makhmur Camp, which today looks like a small town with mud-brick houses and several shops selling food.³⁴⁹

The UNHCR is active in Makhmur Camp. The fact-finding mission heard that the Asayish and the police are also present. Camp residents have a mukhtar and a governing council that coordinates with the KRG. Most inhabitants have a PKK background but are widely seen as

³⁴⁷ Meetings with a Western consulate, Qandil, and the BMD.

³⁴⁸ The fact-finding mission learned that there are seven long-standing settlements of Turkish Kurds in the KRG area. Harikar NGO has two mobile teams and provides legal services to these refugees. Some refugees receive cash assistance of \$100-\$200 per month from the PAC-Harikar.

³⁴⁹ UNHCR. July 4, 2011.

civilians. According to several interviewed sources, camp residents are unarmed and daily life there is peaceful.

The fact-finding mission heard that there are currently no prospects for relocation of the camp residents, the former PKK fighters and their families, to Turkey. Relocation to other parts of Iraq is also not a current option. According to the Harikar NGO, Turkish refugees cannot acquire Iraqi citizenship, although they have been living in the KRG area since 1994. Only a few have been repatriated by the UNHCR to Turkey in recent years.³⁵⁰ An international organization had not heard of deportations of Makhmur Camp residents to Turkey nor that residents were being held in KRG prisons.

After the fact-finding mission, in the summer of 2011, the UNHCR and the Government of Iraq completed the registration of the last refugees in Makhmur Camp. A total of 10,240 Turkish refugees received residency documents for the first time. The refugee residence card is initially valid for one year and thereafter renewable for five years. With the card, refugees can be issued a travel document (e.g., for study abroad). Registered refugees have access to Iraqi courts, where they can register marriages, and the right to medical services and education provided by the government as well as the right to work.³⁵¹

According to the UNHCR, registration is a crucial step for refugees, whose status will be strengthened. Some 2000 Makhmur Camp residents work as daily labourers for companies in the town of Makhmur or even in Erbil. Once registered, camp residents are also able to access government jobs, which has been a request of university graduates for many years. Registered refugees can own land, property, cars, and businesses. They can also receive a PDS card for food rations from the government. The UNHCR monitors the situation in Makhmur Camp and grants cash assistance to some of the most vulnerable refugees, such as those with chronic illnesses. The UNHCR also provides transport fees for young refugees studying in Erbil and Dohuk and conducts protective and social activities for women and youth implemented by two partners.³⁵²

The UNHCR had not heard of any deportations of ex-PKK fighters from the KRG area to Turkey and mentioned only the past arrest of a former PKK fighter in the KRG area. The UNHCR also had no information about acts of revenge conducted by the PKK in the KRG area against former party members. The UNHCR mentioned isolated cases of defections, when people who had registered with the UNHCR abandoned their weapons and left the PKK. According to the UNHCR, former PKK members can register with the commission only after a very cautious exclusion assessment.³⁵³ The UNHCR noted that some ex-PKK members without violent backgrounds had returned to Turkey.³⁵⁴ At the same time, the PKK was said to be recruiting new personnel.³⁵⁵

11.3. Syrians

There are 1000-1300 Syrian asylum seekers in the KRG area. They are of Kurdish origin, and half of them are stateless *Ajanib* or *Maktumin*. The refugees live in the Domiz and Moqabli camps in Dohuk province. Most arrived to the KRG area after the events in Qamishli in March 2004. The Syrians are not recognized refugees, but the KRG grants them a type of

³⁵⁰ Meetings with Harikar NGO and an international organization.

³⁵¹ UNHCR. July 4, 2011.

³⁵² UNHCR. July 4, 2011. Another source mentioned that camp residents also study in Sulaymaniya.

³⁵³ The exclusion investigation by UNHCR involves several steps as well as a protection officer and a senior protection officer who perform ICD (i.e., credibility check) proceedings and apply Article 51 of the Refugee Convention.

³⁵⁴ Meeting with UNHCR Iraq in Erbil.

³⁵⁵ Meetings with a Western consulate and KRG authorities.

humanitarian protection. At the time of the fact-finding mission, not many Syrians had arrived in the KRG area, as there is no border crossing between Syria and the KRG region.

The UNHCR Erbil told the FFM team of one case where a Syrian refugee child who had been registered by the UNHCR had been deported to Syria by Iraqi authorities. In this context, the UNHCR mentioned that the KRG makes no distinction between registered and UNHCR-accepted refugees.³⁵⁶ The fact-finding mission did not hear of the deportation of Syrians from other sources but was told that the Syrian *Ajanib* might return to their country and obtain Syrian nationality, as Bashar al-Assad's regime introduced the possibility of naturalization for them in spring 2011. However, the Syrians were not yet willing to do so because of mistrust of Syrian authorities. During the FFM, demonstrations took place in the Domiz and Moqabli refugee camps, with the residents announcing they would go home after a regime change in Syria.

11.4. Iranians

Approximately 7000 Iranian refugees are living in Iraq. Thousands of Iranian refugees fled to Iraq during the Iran-Iraq War in the 1980s, most of them Kurds. Among them were many civilians whose villages had been destroyed or occupied in the border area. Others were members of Kurdish opposition groups. In 1982 the civilians were relocated to Al-Tash Camp in Anbar province. After 2003 the security situation deteriorated in the camp, and the refugees were relocated to the KRG area. To this day, there are several thousand Iranian civilians and members of different Iranian Kurdish parties in the KRG area. The KRG officially welcomes Iranian Kurds who face problems in Iran.³⁵⁷

Many Iranian refugees, such as those in the Barika and Kawa camps, have been registered with the UNHCR. Several Iranian parties are tolerated and have been in exile in Iraq for more than 30 years. These include the Democratic Party of Iranian Kurdistan (KDPI) in Koya, the Komala in Sargues (Zergwez) near Sulaymaniya, as well as the Mujahedin-e Khalq Organization (MKO) in the Camp Ashraf outside the KRG area.³⁵⁸ Apart from the refugees, there are approximately 30,000 Iranian migrant workers in the KRG area.³⁵⁹

All Iranian refugees who met with the fact-finding mission complained about their bad socioeconomic situation. They also mentioned being spied upon by the Iranian regime and receiving insufficient support from KRG authorities and the UNHCR. They cannot be employed in the civil service in Iraq but are often temporarily employed, mostly as labourers. Poverty is widespread among the refugees. In many cases, Iranian refugees cannot travel outside the KRG area or abroad.³⁶⁰

According to interviewed sources, many Iranian refugees have not been integrated into the local society even after decades of residence in the KRG area. The refugees generally do not want to stay in the area but are hoping for resettlement.³⁶¹ As the Government of Iraq is solely responsible for naturalization, the KRG cannot grant Iraqi citizenship to the Iranian refugees.³⁶² According to the UNHCR, many Iranian refugees who have resided legally in the southern governorates for more than 10 years have availed themselves of the opportunity to acquire Iraqi nationality or are in the process of doing so. The fact-finding mission heard from the UNHCR that according to Iraqi law, persons who have resided legally in Iraq for at least

³⁵⁶ Meeting with UNHCR Iraq in Erbil.

³⁵⁷ Meeting with KRG authorities.

³⁵⁸ KDPI and Komala members had permission from Saddam Hussein's regime to stay in Iraq. In 1991 Iraqi Kurds renewed their permits.

³⁵⁹ *Hawlati* newspaper, cited in Danish Immigration Service. June 2011(b).

³⁶⁰ For more information, see Danish Immigration Service. June 2011(b).

³⁶¹ Meeting with NGOs in Amman.

³⁶² Danish Immigration Service, June 2011(b).

10 years may become eligible for Iraqi nationality. Some have been granted this status by the KRG; however, because these decisions are not endorsed by the GoI, the UNHCR remains concerned about the refugees, most of whom have been effectively integrated locally. According to the UNHCR, up to 30% of Iranian refugees in the KRG region would consider voluntary return if it was organized with UNHCR support.³⁶³

According to an interviewed source, relations between KRG authorities and Iranians residing in the KRG area, including members of the KDPI and Komala, are generally good. Lately, however, relations have become more strained, apparently because an increasing number of young people from Iran's Kermanshah Province are residing illegally in the KRG area, mainly in the Sulaymaniya governorate. Some of these people are in the area because of economic reasons and are not afraid of return to Iran, whereas others have been politically active in Iran and fear return. The illegal migrants also include Iranian women who have crossed the border because of family problems. Some of the illegal migrants do not possess any documents. Occasionally, the KRG allows demonstrations by Iranians. For example, after a PJAK member was hanged in Iran, there was a demonstration outside the Iranian consulate in Erbil.³⁶⁴

Iranians who stay illegally in the KRG area without a residence permit risk deportation. According to an international organization, there are Iranian detainees in KRG prisons, mainly because of illegal border crossings and drug offenses. The fact-finding mission was told that there are almost daily deportations of such persons from the Sulaymaniya governorate to Iran. According to an interviewed source, KRG authorities tend to accuse Iranian refugees of participating in demonstrations or inciting civil unrest. The fact-finding mission heard claims that during and after the spring 2011 demonstrations, some Iranians residing illegally in the KRG area were deported to Iran.

The UNHCR noted that a few Iranians have been deported from Iraq, although the commission was usually not informed of the deportations. In two cases, the UNHCR was informed of the upcoming deportations and was able to intervene in the situation. Only a small number of Iranian refugees have not been registered by the UNHCR. The organization told the fact-finding mission that Iranian refugees in the Barika and Kawa camps need to continually renew their residency. Iranian refugees leaving Iraq may be refused new entry to the country. An old Al-Tash refugee card helps to confirm the origin of the refugee in said camp but does not ensure the refugee's reentry into Iraq.³⁶⁵

11.4.1. Relations between the KRG and Iran

Iran plays a significant role in Iraqi politics. The KRG has good relations with Iran and both Talabani and Barzani visit Iran on a yearly basis. There are two Iranian consulates in the KRG area, one in Erbil and one in Sulaymaniya. Iran organizes five or six trade fairs in the KRG area yearly. There is a lot of traffic in the border between the KRG area and Iran, and trade is busy. Many people in Halabja and Sulaymaniya speak Farsi. In Sulaymaniya city, many Iranian products are available. A source told the fact-finding mission that several concerts in Erbil and Sulaymaniya have been attended by Iranian spectators. Apparently thousands of Iranians attended the concert of an exiled Iranian singer in the KRG area, and the KRG closed the border temporarily because of the large numbers of Iranians trying to participate in the event.

The fact-finding mission heard from several sources that Iranian secret service infiltration is a reality in the KRG area. The fact-finding mission heard from several sources that high-profile Iranian refugees and Iranian political parties may be targeted by Iranian intelligence

³⁶³ Meeting with UNHCR Iraq in Amman.

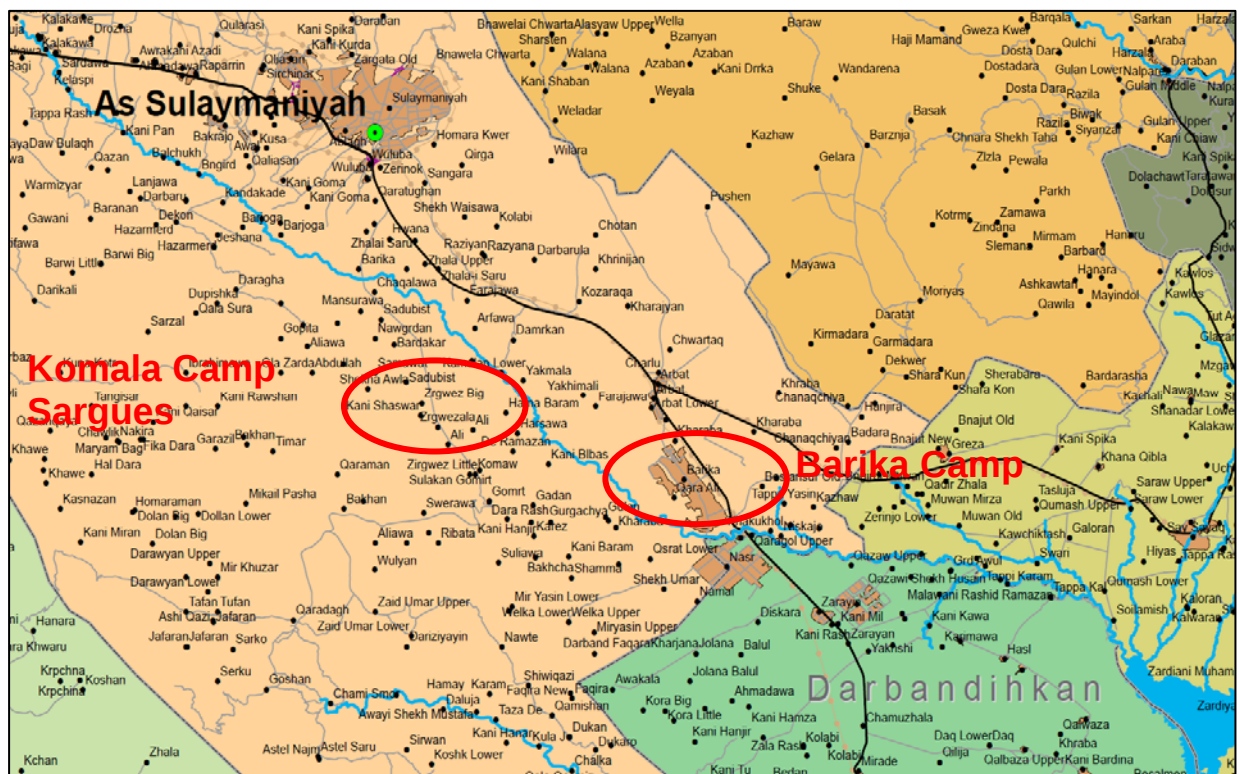
³⁶⁴ Meeting with *Awene* and other sources.

³⁶⁵ Meeting with UNHCR Iraq in Erbil.

agencies. The KDPI and Komala claim that Iranian consulates are centers of Iranian Revolutionary Guard intelligence activities in the KRG area. One Western consulate thought that the risk of persecution against Iranians in the KRG area was not significant. Iranians in a refugee camp told the fact-finding mission that they had occasionally noticed Iranian spies in the vicinity of the camp, particularly during festivities such as Newroz.

11.4.2. Kawa Camp

Kawa Camp is located about 25 km southeast of Erbil in Qushtapa district. Inhabitants of Kawa Camp are mainly Iranian Kurds who resided in Al-Tash Camp until 2005. In May 2011, some 1343 persons remained in Kawa Camp. The fact-finding mission did not visit this camp, but a Danish delegation did so in March 2011. According to their report, the camp looks like an ordinary Iraqi village and facilities are good, with paved roads, a health clinic, a primary school, a police station, and good sanitation facilities. Theoretically, children at Iranian refugee camps have access to education at all levels. In practice, though, many parents cannot afford to send their children to school for more than a primary education. For example, in 30 years only 20 students in Kawa Camp have graduated from college, and according to the report, no one has graduated from a university.³⁶⁶ At the same time, the refugees are deeply frustrated after 30 years in exile and several unfulfilled promises of resettlement. The migration potential seems to be very high in this camp.³⁶⁷



The two refugee camps south of Sulaymaniya that were visited by the fact-finding mission. The KDPI camp in Khoy Sanjak was also visited.

³⁶⁶ According to some female KDPI members who met with the FOM in Khoy Sanjak in 2007, several children of KDPI members living in the Khoy Sanjak camp have studied at a university (Erbil, Sulaymaniya, and Khoy Sanjak). Whether they graduated is unknown.

³⁶⁷ Danish Immigration Service. June 2011(b), p. 14.

11.4.3. Barika Camp

Barika Camp is located between Arbat and Darbandikhan, about a 30-minute drive southeast of Sulaymaniya. According to a member of the Barika Camp Committee, Iranian refugees were in “Iraqi Kurdistan” from 1979 to 1982. The refugees were then relocated to the Al-Tash Camp in the desert in Ramadi. When the embargo began in 1986, a fence was constructed around Al-Tash Camp, and the ICRC visited the settlement. The camp received funding from Saddam Hussein’s government until 1991. With the funding, children’s education was paid for. The refugees were also allowed to work in the public sector, although mostly as unskilled labourers.

After Saddam Hussein launched the war against Kuwait and the Anfal campaign against the Kurds, responsibility for the camp was transferred from the ICRC to the UNHCR. The Barika Camp Committee told the fact-finding mission that resettlements from the Al-Tash Camp were taking place. After the fall of Saddam Hussein’s regime, refugees in the Al-Tash Camp were moved to the KRG area. According to the camp committee, during the first year in the KRG region, the refugees’ rent was paid and they received petrol for heating. These services were cut back later.³⁶⁸

In 2004 Qandil constructed 350 houses in Barika Camp. Apparently, the construction of 1500 was originally planned to also accommodate refugees from Darbandikhan and Kalar. The refugees have lived in Barika Camp since 2004 or 2005, and they told the fact-finding mission that they have felt neglected by the UNHCR, particularly in recent years. According to the refugees, they were visited by the UN regularly in Al-Tash Camp, and the services were better than in Barika Camp. In Al-Tash Camp, electricity was free, whereas they have to pay for it in Barika Camp.

Refugees at Barika Camp told the fact-finding mission that many would like to leave, but they cannot return to Iran. The camp residents consider themselves political refugees, and many have indeed worked with Iranian Kurdish parties for a long time. Barika Camp residents have connections to the KDPI and Komala, and some have relatives in the camps of these parties. There is a feeling among camp residents that they are trapped here like political prisoners, although they consider Iraqi Kurds to be brothers and do not have problems with the local population or KRG authorities.³⁶⁹

The UNHCR informed the fact-finding mission that 2020 individuals (397 cases) remained in Barika Camp in May 2011.³⁷⁰ Camp representatives estimated the population to be approximately 2500 individuals.³⁷¹ Most residents have arrived from Al-Tash Camp, and some have arrived directly from Iran. All camp residents are registered by the UNHCR and are currently in possession of A4 size, computer-printed UNHCR registration cards. Only adults older than 18 years have their own UNHCR registration cards. Children are registered on their parents’ cards. Previously, refugees at Barika Camp used to have blue UNHCR registration cards from Sulaymaniya, which were about half the size of A5 and had the letters SUL (for Sulaymaniya) printed on them. Additionally, inhabitants may still possess Al-Tash Camp cards and old Iranian birth certificates (i.e., shenasnameh) from the Reza Shah period. The old registration cards from the Al-Tash Camp usually had the letters ALT printed on them. The UNHCR and the Government of Iraq are planning for new registration of the refugees in Barika Camp.³⁷²

³⁶⁸ Meeting with Barika Camp.

³⁶⁹ Meeting with Barika Camp.

³⁷⁰ Meeting with UNHCR Iraq in Amman.

³⁷¹ Meeting with Barika Camp.

³⁷² UNHCR. July 4, 2011.

Public

The inhabitants of Barika Camp can obtain a KRG iqama, or residency card.³⁷³ Renewal of the card costs approximately 2000 Iraqi dinars (\$2), which is very expensive for the refugees; the cards should be renewed every six months. If they are registered with the UNHCR, refugees can obtain a PDS (i.e., Public Distribution System) card and receive food packages just like Iraqi citizens. All refugees in Barika hold a PDS card for food rations; however, camp residents claimed the rations are insufficient to support a family. In addition, food rations are often delayed or even absent.³⁷⁴

The fact-finding mission was told that Iranian refugees face the risk of deportation but that no deportations of Barika Camp residents to Iran had occurred. Camp residents enjoy freedom of movement within the KRG area and can leave the camp to live in another place. However, the refugees do not have enough money to do so. An UNHCR-registered refugee may leave Iraq and later return to the KRG area. In these cases, the KRG allows reentry if the person has a passport (which is apparently not the case with most refugees). These persons will no longer be accepted as refugees and will not be supported by the UNHCR. Barika Camp refugees told the fact-finding mission of one such case.

The fact-finding mission learned that there are no tensions between Barika Camp refugees and their neighbours. Refugee children interact with Iraqi children outside the camp, and they attend the same classes in school. There is a primary school in the camp. Half of the students in the school are from outside the camp. There is no kindergarten or secondary school in Barika Camp; instead children attend a secondary school outside the camp.

The Barika Camp Committee listed the following issues as primary concerns.

a) Lack of medical support

According to the refugees, there is no primary health care center in Barika Camp. A doctor from Qandil regularly visits the camp, but otherwise the refugees have to go outside the camp for health care services. There is a small health care station near the camp, but it is for Iraqi citizens only. According to Barika Camp residents, several refugees have been refused treatment at the health care station.

Refugees have to seek treatment at a health care center in Arbat. According to the refugees, a taxi from the camp to Arbat costs 10,000-15,000 IQD (\$8 - \$12), and no public bus service is available. One can also travel to Sulaymaniya for treatment, but besides the transport costs, seeing a doctor costs approximately 1000 IQD. The refugees told the fact-finding mission that only one person out of many had received compensation for the journey.

The refugees complained that children are not vaccinated in the camp. Patients with severe illnesses such as thalassemia or heart disease cannot afford the treatments. According to the refugees, approximately 100 people in Barika Camp suffer from chronic diseases. Many suffer from depression and a lack of prospects after 30 years of uncertainty about their future.

b) Lack of good housing and infrastructure

One of the main problems in Barika Camp is the lack of living space. Originally, houses were built to contain one family, but often several families live in the same structure. The houses, which were built in 2004, suffer from neglect. Rain comes in and some walls are caving in. The fact-finding mission noticed that the houses were damp and that the roads in the camp were not asphalted. According to the refugees, the roads and walkways are very muddy during the winter. The refugees also complained about the cost of electricity.

³⁷³ Apparently, the bearer of a refugee ID card issued by the UNHCR does not usually need to register with KRG authorities.

³⁷⁴ Meeting with Barika Camp.

c) Unemployment

The unemployment rate in Barika Camp is very high. Many people have left the camp for Europe, and the migration continues. According to the refugees, they get money only from day labour. A main problem for the refugees is a lack of access to permanent jobs. According to several interviewed sources, Iranians cannot obtain jobs easily. Most openings in the KRG region are government jobs. According to Iraqi law, foreigners cannot be employed in the public sector. The refugees told the fact-finding mission that some Iranians in the KRG area are university graduates, but they have not been able to find proper jobs.

Refugees also do not possess land and thus cannot become agricultural producers. They primarily have work during the summer, usually as day labourers in the construction business. During wintertime, work is apparently unavailable. The refugees have low incomes, earning on average 3000-4000 IQD (\$3) per day. Some jobs pay up to 25,000 IQD per day; however, the refugees typically work only two or three days per week. Many children as young as 11 are taken out of school to help support the family.

d) Lack of rights

Additionally, the lack of rights has been noted as a primary concern of Iranian refugees. The refugees cannot buy property, such as a house or a car, and they cannot register a car in the KRG area. Some refugees have bought houses outside the camp so that they can be purchased and registered in the name of an Iraqi citizen. According to the refugees at Barika Camp, Iranian refugees may not be able to open a bank account, although at the same time, Iraqis themselves rarely have bank accounts. Those in possession of only a UNHCR card usually cannot buy a SIM card. They also have trouble leaving the KRG area, as the UNHCR card is apparently not valid at checkpoints.³⁷⁵

11.4.4. Democratic Party of Iranian Kurdistan (KDPI or PDKI)

According to reports in 2010, eight Iranian-Kurdish parties in the KRG area received yearly financial support worth some 45-55 million IQD from the KRG. The KDPI is one of those parties.³⁷⁶ KDPI is the largest Kurdish opposition group in Northwestern Iran, and the party's headquarters is located at a camp in Khoy Sanjak between Erbil and Sulaymaniya.³⁷⁷ The original KDPI is headed by Secretary General Mustafa Hijri. There is also an offshoot of the organization called KDP-I, headed by Secretary General Khaled Azizi.

The KDP-I split off from the KDPI five months after the party's 13th congress in 2005 in London and is based in another camp near that housing the KDPI headquarters. Some families belonging to the offshoot of the KDPI still live in the original camp.³⁷⁸ The fact-finding mission met with a spokesman, the deputy general secretary of the KDPI, a member of the political office, and the person responsible for public and international relations of Khoy Sanjak Camp.

There are some 3000 inhabitants in the KDPI camp. Most are party members. KDPI members are usually Iranian citizens. Iraqi Kurds who have lived in Iran for more than 5 years may also become members of the KDPI.³⁷⁹ The camp is guarded by young armed Peshmerga of the KDPI. They ensure the security of the camp and the KDPI political office.

³⁷⁵ Meeting with Barika Camp; Danish Immigration Service. June 2011(b), p. 13.

³⁷⁶ Landinfo. October 8, 2010, p. 10.

³⁷⁷ Website of the KDPI, where the political program of the party can be found in Arabic, English, and French: <http://pdki.org/english/> (Accessed November 2, 2011).

³⁷⁸ KDPI representatives in Khoy Sanjak and in Switzerland, meeting with the FOM in Berne on August 31, 2011, mentioned that the split in the party took place in 2005. According to a press release from the KDPI office in Paris on December 13, 2006, the split took place on December 6, 2006.

³⁷⁹ Meeting between KDPI Switzerland and the FOM in Berne, 2009.

There are only a few KDPI Peshmerga in the camp today. The KDPI also has female Peshmerga. According to the Swiss section of the KDPI, Peshmerga earn about \$17 per month. During a day off, they can work outside the camp, but it is very difficult to find employment. Within the camp, accommodations are free and inhabitants get a small amount of money for food. According to the KDPI representatives, members of the party are not supported by the UNHCR, the KRG, or GoI authorities. Water and electricity at the camp are apparently free of charge.

Inhabitants of the KDPI camp say they cannot work legally because they do not possess ID cards, passports, or KRG documents. Some hold old Iranian birth certificates (i.e., shenasnameh). Party members may have only their party card (i.e., kart hizbi). The KDPI party card is a bit bigger than a credit card and its colour is white. On the front of the card, the KDPI logo can be seen on the left. Below the logo is a photograph of the cardholder with a red stamp. The backside of the card includes information such as the blood group of the holder and a bar code.

KDPI members are allowed to stay in the KRG area because of an agreement with the KDP and PUK. As a political party, the KDPI has no problems with KRG authorities and generally enjoys political freedom within the KRG area. In order to hold conferences, the KDPI needs a permit from the Asayish. The permit is usually granted. The 14th (and latest) congress of the KDPI took place in 2008. The next party congress will be held in 2012.

According to the KDPI, UN organizations actively helped Iranian refugees in the past but are essentially no longer in touch with them. KDPI members say they do not get support from the UNHCR and do not hold UNHCR registration cards. The fact-finding mission learned that there is a primary school and a health center in the KDPI camp, as well as a media center. The party has a radio station and TV channels in the KRG area and in France (i.e., Tishk TV). The KDPI also has a newspaper and political and cultural magazines. Articles in the magazines aim to educate children and youth. According to KDPI representatives, this ensures that the views of the party prevail. Human rights issues are also covered. According to the KDPI, some party members attend the university. However, not having proper documents makes it hard for graduates to find work.

Camp members can also study at the party's political school in the Khoy Sanjak camp. After two months of study at the school, students can join an affiliate of the KDPI. The KDPI organizational structure includes the Ittihad ash-Shabab al-Kurdistan (Youth Union), Ittihad at-Tullab al-Kurdistan (Students Union), and the Women's Union. The KDPI also has two branches in Erbil and a main office for international relations in Paris. Before issuing party cards for members, the Paris office always confirms with party headquarters in Khoy Sanjak that the persons in question are members.³⁸⁰ The KDPI also has several committees in Europe, the United States, and Canada and an office in Scandinavia. The KDPI takes part in Geneva Call, The International Socialist Organization, and the Unrepresented Nations and Peoples Organization.³⁸¹

KDPI-affiliated refugees are free to move around in the KRG area, and some partisans, as KDPI representatives also call themselves, live in cities. However, KDPI representatives maintained that it is better for them to live in the KDPI camp. According to the KDPI, many camp residents have worked underground in Iran and had to flee from the country. The KDPI maintained that they cannot return to Iran. According to the KDPI, the party still has a number of people working in Iran, apparently undercover.³⁸² The representatives of the party told the fact-finding mission that the KDPI is against military action and has no contact with the PKK or PJAK.

³⁸⁰ Meeting between KDPI Switzerland and the FOM in Berne, 2009.

³⁸¹ www.genevacall.org; www.internationalsocialist.org; www.unpo.org (Accessed November 2, 2011).

³⁸² See, for instance, Tehran bureau, August 26, 2011.

KDPI representatives mentioned that several camps that house Iranian refugees, including women, children, and Peshmerga, are mostly in a deteriorating condition and that the inhabitants lack outside support.³⁸³ The KDPI maintains that the KRG offers only water and electricity to the camps. Otherwise, support from the GoI or the KRG is lacking. At the same time, the abovementioned refugee camps have schools, doctors, and simple health care centers. The inhabitants of Khoy Sanjak Camp receive a small amount of support from friends in Iran.

KDPI representatives told the fact-finding mission that their situation has been stable in recent years but that KDPI members are constantly followed by members of the Iranian intelligence community. According to the KDPI, the camp in Khoy Sanjak was attacked by the Iranian Army in the mid-1990s, during the Iraqi Kurdish Civil War. In the 1990s, approximately 150 KDPI Peshmerga were killed by Iranians. After the assassination of three KDPI leaders in Berlin in 1992, attacks against KDPI members were said to have decreased.³⁸⁴

According to the KDPI, the party's members suffer from a deteriorating economic situation and do not see a future or any prospects for them in the KRG area. Some 10-20 members leave the camp for Europe on a monthly basis. KDPI representatives said that people willing to leave the camp in Khoy Sanjak usually get a letter of recommendation from the party. This may also apply to those who leave the party altogether. Some people who resigned from the KDPI have been registered by the UNHCR.³⁸⁵

11.4.5. Komala Party of Iranian Kurdistan (Komala)

The Komala party is headed by General Secretary Abdullah Mohtadi and has a TV channel called Roshalat.tv.³⁸⁶ Komala defines itself as a left-wing, social democratic party. There is also a party called Komalah, headed by Omar Ilkhanizadeh. Komalah defines itself as a Communist party and has a TV channel called ASOsat.³⁸⁷ The two parties were founded independently. They then merged into one party and split up again in 2000. Both parties have camps in the KRG area. The camps are close to each other. The fact-finding mission visited the camp in Zergwez (Sargues), which is the headquarters of the Abdulla Mohtadi led Komala party. The headquarters of the party is located about a 20-minute drive southeast of Sulaymaniya.³⁸⁸

The representatives of Komala, who had an intellectual air about them and a good command of English, maintained that the split between the two parties occurred as a result of ideological differences as well as personal rivalries. Komala argued that the party advocates a democratic, secular, and federal Iran in which Kurds have rights and the political system resembles a European social democracy. According to Komala, the Komalah party is much more radical in its ideology, whereas Komala has distanced itself from its communist heritage and adapted a modern political vision.

Komala maintains that the party rejects military action today. This is different from the 1980s, when demonstrations were not possible and Komala had to be armed in the mountains, from

³⁸³ The camps mentioned were Camp Sherawan in Kalar, Camp Kawa in Erbil, Camp Arbad near Sulaymaniya, Camp Cenia, and Camp Dezirka in Degala between Khoy Sanjak and Erbil. In addition to the camp in Khoy Sanjak, which houses the KDPI headquarters, the camps in Degala and Cenia are inhabited mainly by people with KDPI affiliations.

³⁸⁴ Information also received from the Norwegian-Swiss FFM to the KRG area in March 2007.

³⁸⁵ Information received by the FOM from UNHCR Iraq in January 2008.

³⁸⁶ Website of the party: <http://www.komala.org/english/eindex.htm> (Accessed November 2, 2011).

See also interview of Abdullah Mohtadi at

http://www.komala.org/english/sidor/2007/070330abaM_abuM.pdf (Accessed November 2, 2011)

³⁸⁷ Website of the party: www.komalalah.org, <http://komalah.org/english/index.1.html> (Accessed November 2, 2011).

³⁸⁸ See map in section 11.4.2.

which its members originate. The Komala representatives noted that the party took part in the Iranian Revolution but had to relocate to Iraq when Khomeini's government began targeting Iran's Kurds. The Komala party has been in Iraq since the 1980s. The original Komala camp, which was located closer to the Iranian border, started off as a Peshmerga training camp. As the camp suffered from attacks by Iranian forces and from the Anfal gas attacks in the Halabja area, it was moved along with its headquarters from the border area to Zergwez. The number of Peshmerga in the camp also decreased during this period.

The fact-finding mission had the impression that the camp is relatively well maintained. The Komala representatives said that many years ago, the camp had only tents, and that with time, houses were constructed. The camp has a canteen, a library, Internet access, and satellite TV. There is also a nursery, school, and bus service for children who go to school outside the camp. Komala encourages university education, and two members of the party's central committee have academic degrees. The Komala camp receives some support from the KRG. The representatives of the party, however, complained that without Iraqi citizenship, camp residents cannot get work. At the same time, the Komala representatives recognized that some Iranians have been able to secure work in the KRG area.

There are about 1000 inhabitants in the Komala camp in Zergwez. Most are members of the Komala party. There is steady movement of about a hundred people into and out of the camp on a yearly basis. Some newcomers want to become part of the camp's Peshmerga, whereas others leave the camp and seek other options. There are also temporary visitors in the camp who study there and discuss politics with Komala members. For instance, a 2005 article told of a refugee residing in Germany who regularly spent a few weeks each summer at the Komala camp.³⁸⁹

With new people coming into the camp, Komala members said they are on constant watch for possible infiltration by Iranian intelligence agents. The Komala representatives could not give the exact number of party members, but they speculated that a third are female. Thus women, who hold various central positions in the party, have an important role in Komala. The fact-finding mission also saw several armed female Peshmerga in the Zergwez camp.

Komala told the fact-finding mission that the party operates in three fields. One field of operations is Iran. Secondly, Komala has a central committee at the Zergwez camp and offices in Sulaymaniya, Erbil, and Diana. Thirdly, Komala has friends in Europe, although it has no formal office there because of a lack of finances. Komala advocates for federalism in Iran because there are many ethnicities living in the country. Komala representatives said that they are not struggling for a single, unified Kurdistan but would like to see the linguistic and other rights of Kurds fulfilled in the countries where they live. Komala also wants separation between religion and state, a decentralized state, and democracy.

The Komala representatives told the fact-finding mission that a main pillar of Komala ideology is awareness. The party has spoken out for equality between men and women from early on. As mentioned, the organization has many female Peshmerga, some in command positions. According to Komala, Kurdish women in Iran have to fight both the government of Iran and against Kurdish traditions. Women also have a role in the Komala's political office and operate an East Kurdistan (Iran) committee.

Regarding the party's history, the representatives told the fact-finding mission that they had been part of the Communist Party of Iran (CPI) but had split from the party (like Komalah did) in 2000. The 13th Congress of Komala took place in 2010. Defining its politics as social democracy, Komala has applied to become a member of the Socialist International organization, but has not been accepted. The Komala representatives told the fact-finding mission that the National Council of Resistance of Iran (NCRI) had tried to approach Komala but that Komala does not want a relationship with the group. The Komala representatives maintained that until 2007 members of the party were kidnapped in Iraq by Iranian agents but

³⁸⁹ Jungle World. June 15, 2005.

Public

that this had not occurred in recent years. Until two or three years ago, Komala representatives left the camp only in guarded vehicles because of the kidnappings. Komala Camp still has rather strict security measures at the entry gate.



Komala Camp in Zergwez – The entry gate was guarded by a female Peshmerga.

According to Komala, the security situation has improved in recent years because of the presence of U.S. forces in Iraq. However, sporadic bombing of the KRG border area by Iranian forces continues. Komala representatives said they do not carry out armed operations, as they wish no harm to the KRG. They claimed that members of the Iranian al-Quds Brigades operate in the KRG area and elsewhere in Iraq. After the invasion of Iraq in 2003 by U.S.-led multinational forces, the presence of Iranian intelligence forces in the KRG area decreased.

The Komala party ID card, which has a photograph of the holder on the left and a red star with the text *Komala* on the right, looks like a credit card. The party card can be used at checkpoints and to access health care institutions. The party card is the only document some Komala Camp inhabitants possess. According to Komala, many party members were in the mountains for years and lost all their documents. Some still have their old Iranian birth certificates (i.e., shenasnameh). Many Komala members try to get Iraqi birth certificates for their children who are born in the country. Komala occasionally issues letters of reference to its members. Some inhabitants of the camp have a KRG residency card (i.e., iqama), but it is difficult for most to obtain. According to Komala representatives, they can apply for Iraqi citizenship after 10 years of continuous residency in the KRG area.

The Komala representatives maintained that they are not allowed to leave the camp and settle freely outside it. However, there are cases of former Komala members or their family members who left the camp and settled elsewhere. A person who was present in the fact-finding mission's meeting with the Komala camp, said that his son had left the camp and the party, had received Iraqi citizenship and worked and lived outside of the camp. The Komala representatives said that people keep fleeing Iran because of violent incidents in the border area and that the flights are not economically motivated. Komala has good relations with the KDPI. Komala representatives said they have no relationship with the PJAK and no connections with Syrian Kurdish parties or the MKO. According to Komala, a general nonviolent movement is growing in the KRG area.

11.4.6. The Party of Free Life in Kurdistan (PJAK)

PJAK (also PEJAK),³⁹⁰ an armed Iranian Kurdish opposition group, is often called the Iranian wing of the PKK. PJAK emerged in 2004 and has repeatedly carried out attacks against Iranian security forces and economic infrastructure in Iran. The organization has its operational bases in the Qandil Mountains. The leader of PJAK is Abdul Rahman Haji Ahmadi, known as Haji Ahmadi. He was born in 1941 in Iran and lives in Cologne, Germany.³⁹¹ Iran attacks the KRG border region regularly in spring and summer, ostensibly to fight against the PJAK. The fact-finding mission heard from several sources that civilians suffer most from these attacks. A few months before the fact-finding mission, a group of PJAK members who were still in the mountains wanted to register with the UNHCR. The UNHCR rejected their registration.³⁹² As mentioned earlier, the KDPI and Komala told the fact-finding mission that they have no contact with the PKK or PJAK.

11.4.7. Mujahedin-e Khalq Organization (MKO)

The MKO is the biggest and most active Iranian opposition group outside of the country. It is known as the People's Mujahedin Organization (PMOI),³⁹³ the Mujahedin Khalq Organization (MKO), the Iranian Mujahedin-e Khalq (MEK), the National Liberation Army in Iran (NLA),³⁹⁴ the People's Mujahedin of Iran, or the National Council of Resistance of Iran (NCRI).³⁹⁵ Iran calls them the Munafeqin.³⁹⁶ The headquarters of the MKO is situated in Camp Ashraf (which was renamed Camp of New Iraq in July 2011) in the Diyala province.

An international organization interviewed by the fact-finding mission has had regular access to the camp. The fact-finding mission heard that the MKO has a tight internal organization. The cult-like group has punished defectors severely. The MKO was earlier involved in numerous terrorist attacks. Until 2003 the group was protected by Saddam Hussein. The MNF-I assumed protection of Ashraf Camp after the invasion of Iraq in 2003. Nearby was the Ashraf Refugee Camp (ARC), where hundreds of defectors from the MKO stayed between 2003 and April 2008, when the camp was closed. About half of these defectors apparently returned to Iran, more than a hundred migrated to Western Europe, and some moved to the KRG area.

³⁹⁰ Partiya Jiyana Azad a Kurdistanê or The Party of Free Life of Kurdistan. Web page: <http://www.pjak.org/eng/about.php> (Accessed August 17, 2011).

³⁹¹ Der Spiegel. 16/2008; BBC. August 10, 2011.

³⁹² Meeting with UNHCR Iraq in Erbil.

³⁹³ Website: <http://www.mojahedin.org/pages/index.aspx> (Accessed November 3, 2011).

³⁹⁴ NLA is the military wing of MKO, founded in 1987.

³⁹⁵ NCRI is the political wing of MKO and functions as an umbrella organization for several dissident Iranian groups. The official website is: <http://ncr-iran.org/de/index.php> (Accessed November 3, 2011).

³⁹⁶ This means "enemies of God" or "hypocrites."

Lacking support within the Iranian population, the MKO has become almost inactive in that country. However, the MKO exerts influence abroad, and Iranian leaders continue to consider the group an important enemy of the regime. In fact, the number of convictions based on MKO membership has been increasing since 2009 in Iran. Still, the move by the Iranian regime to grant amnesty to former MKO members who have dissociated themselves (normally in public) from the MKO has proved effective. As a result, there is a steady voluntary migration of former MKO members back to Iran, with several hundred returning in recent years under the auspices of the ICRC. However, readmission to Iran by those willing to return depends on the actions and red tape of both Iraqi and Iranian authorities. Many Ashraf Camp residents claim they fear going back to Iran because of the crackdown on opposition groups since the 2009 elections.³⁹⁷

The Iraqi Security Forces (ISF) took over control of Ashraf Camp in January 2009. The ISF have entered the camp several times to take control and pressure camp residents to leave. This has led to violent confrontations. An extremely violent incident occurred on April 8, 2011, when ISF entered the camp and some 30 people were killed. Interviewed sources feared that similar incidents might occur in the future. The Iraqi government accuses the MKO of siding with Saddam Hussein and participating in the crackdowns of the regime against Iraqi Kurds and Shiites in 1991. According to the UNHCR, current and former members of the MKO are in a precarious situation in Iraq. They lack legal residency and are in danger of persecution from local actors.³⁹⁸ The Iraqi government announced plans to close the camp by the end of 2011.³⁹⁹ The European Union named a senior diplomat in September to work with the UN to resolve the situation in Ashraf Camp.⁴⁰⁰

Before the fact-finding mission, the UNHCR had already considered asylum claims lodged by individual defectors from Ashraf Camp, provided they have renounced their ties to the MKO.⁴⁰¹ In a statement on September 13, 2011, the UNHCR noted that there is no formal requirement for individuals to disassociate themselves from the MKO to apply for refugee status; however, when individual merits for refugee status are considered, a serious investigation concerning Article 1F of the Geneva Convention (i.e., the exclusion clause) is conducted.⁴⁰² In September 2011, the MKO decided that the residents of Ashraf Camp can apply for refugee status.⁴⁰³ It remains to be seen whether this process will be properly implemented.

In 2011, the former Ashraf Camp was still home to about 3400 MKO members. The Iraqi government would like them to leave Iraq, but a solution for resettlement has so far not been found. In May 2011, 14 ex-MKO members apparently lived in a rented house in Erbil, supported by an international organization and an international NGO. The fact-finding mission heard in September 2011 that there were 13 former Ashraf Refugee Camp inhabitants (i.e., MKO defectors) residing in Erbil. Apparently, their residency has been reluctantly renewed by KRG authorities. The fact-finding mission also heard of individual ex-MKO members residing in Baghdad.

11.5. Palestinians

In 2003 about 35,000 Palestinians lived in Iraq. Today, there are 10,000-15,000 Palestinians left in Central and Southern Iraq. The Palestinians are resented by many Iraqis because of the perceived special status they enjoyed during Saddam Hussein's regime. The

³⁹⁷ Meetings with several sources; IPS. September 28, 2011.

³⁹⁸ Meeting with UNHCR Iraq in Erbil; IPS. September 28, 2011; *The Washington Times*. November 1, 2011.

³⁹⁹ *The Washington Times*. November 1, 2011.

⁴⁰⁰ Reuters. November 26, 2011.

⁴⁰¹ Meeting with UNHCR Iraq in Erbil.

⁴⁰² UNHCR. September 13, 2011.

⁴⁰³ IPS. September 28, 2011.

Palestinians became victims of persecution after 2003, and many fled from Iraq. The fact-finding mission heard that currently Palestinians in Baghdad are significantly safer than they were during 2003 and the violent period of mainly sectarian conflict in 2006 and 2007.

However, the community, which was formerly in a privileged position, is now marginalized. Although the Palestinians are no longer subjected to systematic persecution, sporadic attacks against them continue, and harassment, abuse, and discrimination have been reported. The UNHCR regularly monitors the situation of the Palestinian community. The fact-finding mission was told that there are approximately 200 Palestinian refugee families in the Dohuk and Ninawa governorates. Many young Palestinians have only old documents that have expired. Some have been arrested by local authorities for unknown reasons. Apparently, the Palestinians do not receive government support, and many widows and single femaleheaded households are vulnerable.⁴⁰⁴

12. Health Care Situation

According to Iraqi authorities interviewed by the fact-finding mission, due to the Iran-Iraq War and 10 years of economic sanctions, the health system in Central and Southern Iraq is generally outdated. There is a shortage of modern hospitals, and facilities and medical equipment are old.⁴⁰⁵ International health regulations were signed by Iraq in 2005 but have not been implemented. There is no general health insurance in the country. Child life expectancy in Iraq is below 70%.⁴⁰⁶ Major international drug companies hesitate to enter the Iraqi market. The drug regulation system is rather slow, and new generations of medicine are not widely available. Currently, some 6% of the national budget is allocated to health care.⁴⁰⁷

Nevertheless, the health care situation has improved in recent years. The WHO is helping to modernize the health sector.⁴⁰⁸ The EU Development Cooperation has mentioned among its health care activities a bilateral project enabling specialized health care in Iraq in cooperation with the WHO, as well as emergency health and blood transfusion services.⁴⁰⁹ Through its CAPs, the IOM provides local people access to health care services. An example is the acquisition of an ultrasound machine for a health center in Ainkawa, Erbil.⁴¹⁰

There are many challenges in the Iraqi health care system, such as treating communicable and noncommunicable diseases, strengthening the public school health program, improving education and vocational training for nurses, bettering immunization services, and managing health wastes. Access to health care services for vulnerable groups and IDPs has to be improved. The psychosocial situation in Iraq presents major challenges. A new EU program that will cover all these areas will be upcoming. The application of best practices, such as a family medicine practice, was also planned.⁴¹¹

12.1. Lack of human resources

Human resources in health care are limited, and capacity building is needed.⁴¹² Many health professionals were assassinated or kidnapped after 2003. As a result, significant numbers of

⁴⁰⁴ Meeting with UNHCR Iraq in Erbil and another source.

⁴⁰⁵ Meetings with Iraqi health authorities.

⁴⁰⁶ Meeting with the Development Cooperation of the European Union to the Republic of Iraq.

⁴⁰⁷ Meetings with Iraqi health authorities.

⁴⁰⁸ Meetings with Iraqi health authorities.

⁴⁰⁹ Meeting with the Development Cooperation of the European Union to the Republic of Iraq.

⁴¹⁰ Meeting with IOM Iraq in Erbil.

⁴¹¹ Meeting with the Development Cooperation of the European Union to the Republic of Iraq.

⁴¹² Meeting with the Development Cooperation of the European Union to the Republic of Iraq.

Public

medical staff have migrated abroad and to the KRG area in recent years. Experienced doctors in particular have left the country. Difficult working and living conditions have also caused health care professionals to leave Iraq.⁴¹³

There is a serious lack of doctors specializing in oncology and radiotherapy. More anesthesiologists and senior teaching doctors / professors are also needed.⁴¹⁴ There is also a serious shortage of experienced nurses.⁴¹⁵ The lack of female nurses is mainly attributable to traditions that prevent women from such work.⁴¹⁶ There is also a stigma attached to working as a male nurse. To compensate for the shortage, the Ministry of Health has contemplated hiring nurses from abroad.⁴¹⁷ Proper training of health care staff is also needed, and nurses should be given a bigger role in health care.⁴¹⁸

Another problem in convincing health care professionals to return to Iraq is that salaries are not very competitive. Junior doctors and senior pharmacists receive a monthly salary of about \$1000; senior doctors and specialists earn about \$2000-\$3000 per month. Salaries for health care staff are higher in Jordan. In Iraq, doctors have private practices in addition to their work in the public sector to compensate for the low salaries. Salaries in the private sector are easily double or triple those of the public sector. Thus, many kinds of private health care are available in Iraq. However, according to Iraqi authorities, most private medical centers do not meet the quality standards of the Iraqi government.⁴¹⁹ The fact-finding mission heard that a visit to a private practice generally costs \$10-\$20 per patient.



Area with private health care practices in Erbil city, May 2011. In the KRG area, some 10%-15% of health care services are performed by private hospitals and health centers.⁴²⁰

⁴¹³ Meetings with Iraqi health authorities.

⁴¹⁴ Meetings with Iraqi health authorities.

⁴¹⁵ Meetings with the Embassy of Iraq in Amman and the Development Cooperation of the European Union to the Republic of Iraq.

⁴¹⁶ Meeting with the Development Cooperation of the European Union to the Republic of Iraq.

⁴¹⁷ Meeting with the Embassy of Iraq in Amman.

⁴¹⁸ Meeting with the Development Cooperation of the European Union to the Republic of Iraq.

⁴¹⁹ Meetings with Iraqi health authorities.

⁴²⁰ Meetings with Iraqi health authorities.

12.2. Primary, secondary, and specialized health care

According to the EU, the revitalization of the primary health care system in Iraq is essential. The burden of hospitals must be reduced. Currently, public hospitals in Iraq are in a bad state, and people often avoid going to them. Hospitals are closed in some areas at night, and emergency services are lacking. Health care centers are normally cheaper than hospitals.⁴²¹ At the time of the fact-finding mission, there were approximately 2170 primary health care centers and 1070 main health care centers in Iraq. The main health care centers have at least one doctor. Each health care center in Iraq serves about 13,000 people. According to international standards, there should be two or three health care centers for every 10,000 people. Iraqis currently enroll in local private clinics for a fee.⁴²²

Secondary health care in hospitals is very cheap or free of charge throughout the country. Although standards are rather low, some chronic diseases can be treated, and X-ray and medical labs are available. Tertiary health care is poor. There is still an extreme shortage of modern hospitals with up-to-date facilities and specialists. For tertiary treatment (especially surgery) within Iraq, the waiting list is long. According to Iraqi authorities, some 80%-85% of cancer cases can be treated according to appropriate medical standards. Wealthy Iraqis still travel abroad to receive cancer treatment. There is a lack of new drugs and the latest treatment protocols. Radiotherapy can be performed in Kirkuk (two hospitals), Baghdad (two hospitals), and Mosul (one hospital). According to Iraqi authorities, 50 to 60 more hospitals are needed for sufficient treatment of cancer in Iraq. The situation should improve in 2012.⁴²³

Neurosurgery, ophthalmic surgery, and complicated heart surgery are performed in Iraq. However, there is a waiting list, as treatment is limited to specialized hospitals mainly in Baghdad and other large cities. For instance, there are two centers for the treatment of heart disease in the KRG area (i.e., in Erbil and Sulaymaniya). The centers can treat up to 500 cases a year; however, there are more than 5000 registered cases requiring treatment. According to Iraqi authorities, the success rate of complicated surgeries is currently not satisfactory. Therefore, many patients travel abroad for treatment. According to Iraqi authorities, there is one public hospital in Iraq (i.e., in Baghdad) specializing in eye treatment. Kidney transplantation-related treatment is especially problematic. The facilities and dialysis technology are outdated, and infections during dialysis are common.⁴²⁴

The fact-finding mission learned that a Medication Card is issued to people suffering from chronic diseases.⁴²⁵ In order to obtain the card, a patient must have a medical report from a specialist. This has to be stamped at a medical unit and signed by the Iraqi Medical Union. The patient needs to present an Iraqi ID card, a PDS card, and the medical report from the specialist to the governorate's Health Department.⁴²⁶

The issuance of a Medication Card typically takes three to four months. With the card, the patient can buy drugs for chronic diseases such as diabetes or high blood pressure more cheaply. The Medication Card is issued only for an individual in his or her name. The fact-finding mission was told of irregularities concerning the cards. Corruption is apparently involved in the issuance of Medication Cards. Some patients also sell their Medication Cards to other people or buy cheap drugs with them and then sell the drugs for a profit.

⁴²¹ Meeting with the Development Cooperation of the European Union to the Republic of Iraq.

⁴²² Meeting with the Development Cooperation of the European Union to the Republic of Iraq.

⁴²³ Meetings with Iraqi health authorities.

⁴²⁴ Meetings with Iraqi health authorities.

⁴²⁵ Meetings with UNHCR in Erbil and Qandil.

⁴²⁶ Meeting with Qandil.

12.3. Mental health care

According to Iraqi authorities, there is a shortage of psychological and psychiatric treatment in Iraq; currently, the level of services is approximately 10%-20% of the level available in Europe. There is a large hospital for mentally disabled patients in Baghdad, but autism cannot be treated in Iraq. Of the few specialists in Iraq, some have migrated to the KRG area. Many Iraqis are suffering from post-traumatic stress disorder (PTSD) related to experiences of conflict or family violence. However, there is a social stigma attached to receiving psychiatric treatment. Due to cultural traditions, families try to hide psychological problems and do not allow children or relatives to receive appropriate treatment. There is hope that information received via the Internet and TV will slowly change general attitudes.⁴²⁷

12.4. Health care in the KRG area

The health care situation in the KRG area is much better than in the rest of Iraq. There was no embargo in the region before 2003. Additionally, international organizations have been present in the region for many years. The region has also attracted private investment. Iraqi health authorities shared the following information.

In 2003, in the KRG area there were:

- Fewer than 20 hospitals
- Fewer than 120 health centers
- Fewer than 900 physicians
- Fewer than 4000 paramedics

In 2011, there are:

- More than 60 hospitals
- Some 880 health centers
- Some 8000 physicians, of whom fewer than 10% are specialists
- Some 18,000 paramedics⁴²⁸

According to the authorities, there are only 12 well-equipped ambulances in the KRG area, provided by UNOPS. Approximately 17% of the drugs imported to Iraq are distributed to the KRG area from Baghdad. However, the quality control process for drugs in Baghdad is slow. The KRG Ministry of Health has a laboratory where drug quality control work has begun, although the KRG needs more training in this area. Drugs are also imported to the KRG area from abroad by companies based here. Drugs are also smuggled to the area from abroad. The quantity of drugs arriving to the KRG area from Baghdad does not cover the needs of all patients, primarily because many people from Central and Southern Iraq travel to the region for treatment. Storage facilities for the drugs are no longer a problem in the KRG area.⁴²⁹

Health problems prevail in areas of the KRG region that suffered from the Anfal attacks. For instance, in Halabja in the Sulaymaniya governorate, many people still suffer from illnesses such as cancer, lung disease, deficits of the respiratory system, and skin problems.⁴³⁰ According to Iraqi authorities, there are only one or two radiotherapy stations in the KRG area, and chemotherapy is lacking. As for preventive medicine, there have been no cases of

⁴²⁷ Meetings with Iraqi health authorities.

⁴²⁸ Meetings with Iraqi health authorities.

⁴²⁹ Meetings with Iraqi health authorities.

⁴³⁰ Meeting with Radio Denge Niewe.

malaria in the KRG area since 2008. Children are typically vaccinated against tuberculosis (with *bacilli Calmette-Guérin*, or BCG), polio, measles, varicella, tetanus, and mumps.⁴³¹

There is no health insurance or health card in the KRG area. The KRG pays for general services at the health care centers.⁴³² Health care is available to basically everyone in the KRG area, including returnees and minorities.⁴³³ According to the BMD, all persons in the KRG area (including IDPs and refugees from Syria, Iran, and Turkey) who have obtained a residency card (or iqama) from the Asayish have access to public hospitals and health care centers.⁴³⁴ According to the UNHCR, there are residency cards for one-, three-, or six-month periods. With a residency card, one has access to different services. In general, access to public health services is open to anyone residing in the KRG area or having Iraqi citizenship. IDPs encounter more problems when dealing with health care issues, e.g., because of language problems.⁴³⁵ The fact-finding mission also heard that in practice ID cards are often not checked in hospitals.

More primary health care is available in the KRG area than in the rest of Iraq, but the challenges are similar all over the country.⁴³⁶ There are primary health care centers in most villages where one can obtain vaccinations and maternity care free of charge. There is also a newly opened school for midwives.⁴³⁷ Although there are enough primary care centers, their quality is generally deficient. For example, there is a lack of well-trained nurses⁴³⁸ and specialist physicians and anesthesiologists. There is also a need for know-how regarding hospital engineering and management and for the training of nurses and paramedics.⁴³⁹ Health information is lacking in rural communities, and treatment is very basic.

International organizations and local NGOs make important contributions to health care in the KRG area. For instance, Qandil has health care projects in Kalar and Darbandikhan in the Sulaymaniya governorate.⁴⁴⁰ The Protection and Assistance Centers (PACs) of Harikar NGO provide support and assistance with health care for IDPs, refugees, returnees, and asylum seekers. This is done with the cooperation of independent non-governmental organizations (INGOs) and other local NGOs.⁴⁴¹ Kurdistan Save the Children has a health sector that provides care for sick children and refers children to hospitals in Iraq and abroad for treatment.⁴⁴² Limb rehabilitation is advanced, thanks to capacity training by the ICRC.⁴⁴³ The ICRC provides limb-fitting and physical rehabilitation services at a center in Erbil. The ICRC has also helped to strengthen emergency services and trauma management through a training project implemented with the Iraqi and KRG Ministries of Health.⁴⁴⁴ UNOPS has provided blood bank services.⁴⁴⁵

As mentioned earlier, the UNHCR noted that there is a lack of doctors in IDP and refugee camps and that the few doctors working there are heavily overburdened with work. There is also a lack of quality drugs in the camps. Health care services for IDPs and refugees are generally of poor quality.⁴⁴⁶ Refugees at Barika Camp complained that there are no health

⁴³¹ Meetings with Iraqi health authorities.

⁴³² Meetings with Iraqi health authorities.

⁴³³ Meeting with Harikar NGO.

⁴³⁴ Meeting with BMD.

⁴³⁵ Meeting with UNHCR Iraq in Erbil.

⁴³⁶ Meeting with the Development Cooperation of the European Union to the republic of Iraq.

⁴³⁷ Meetings with Iraqi health authorities.

⁴³⁸ Meeting with the Development Cooperation of the European Union to the Republic of Iraq.

⁴³⁹ Meetings with Iraqi health authorities.

⁴⁴⁰ Meeting with Qandil.

⁴⁴¹ Meeting with Harikar NGO.

⁴⁴² Kurdistan Save the Children (KSC-KCF). *2009 Annual Report*.

⁴⁴³ Meetings with Iraqi health authorities.

⁴⁴⁴ ICRC. *Iraq: Facts and Figures. January – December 2010*.

⁴⁴⁵ Meetings with Iraqi health authorities.

⁴⁴⁶ Meeting with UNHCR Iraq in Erbil.

care services there. The refugees have to visit a nearby health care center, but because the center is for Iraqi citizens only, several refugees have been turned away. The refugees thus need to travel to a health center in Arbat district, which costs 10,000-15,000 dinars by taxi.⁴⁴⁷

The fact-finding mission heard from several sources that many certified doctors have gaps in their health awareness. Other problems with the health care system in Northern Iraq include staff overload, corruption, a lack of accountability, negligence that has—at its worst—led to patient deaths, and harmful procedures such as unnecessary injections and the overuse of antibiotics. Improved health care is one of the issues protesters took up in the pro-democracy demonstrations in the KRG area.⁴⁴⁸

12.5. Treatment of children

UNICEF works in the three governorates of the KRG area, as well as in the disputed areas (i.e., Ninawa, Kirkuk, and Salah al-Din governorates). The organization has a zone office in Erbil and is planning to set up a suboffice in Kirkuk. UNICEF Iraq has recently started a new, four-year country program targeting 15 million Iraqi children in the areas of child protection, health and nutrition, water, sanitation, hygiene, and education. Activities are implemented from national to area-based levels. The focus is on policy and systems development, capacity building, and improved service delivery in the areas of specific need. Unlike the earlier country program, infrastructure development and supply provision have been scaled down.⁴⁴⁹

According to UNICEF, pediatricians and medical care for children are available in urban areas. However, there are no specialists in most rural areas, and the distance one has to cover to receive specialized medical help is often long. Staffing of medical facilities is also problematic. There is a shortage of female staff, which affects access to medical services in more conservative areas. Laboratory services at the primary care level are limited. UNICEF supports national and emergency measles and polio immunization campaigns, as well as routine child vaccinations, through the provision of cold chain equipment and capacity building of the staff. UNICEF also has mobile immunization teams in remote areas in the Sulaymaniyah governorate.⁴⁵⁰

UNICEF supports efforts of the KRG Ministry of Health to develop a nutrition strategy and related action plan. UNICEF has a community-based psychosocial support program that is implemented by the NGO Play Therapy Africa in cooperation with MoLSA, the Mental Health Unit, and a few local NGOs. The program is aimed at building emotional and behavioral strengths in boys and girls in order to promote and enhance their inner resilience with the support of their peers, families, and communities.⁴⁵¹

Kurdistan Save the Children (KSC) does medical research in the field of chronic diseases such as childhood cancer. The NGO also registers children with cancer in the three governorates of the KRG area. Some children with heart disease are sent to Europe for treatment. In some cases, it has been difficult to get a visa from European authorities for such treatment. Children are also sent for treatment to countries such as Turkey, India, Jordan, and Iran. They are also sent abroad for leukemia treatment and bone marrow transplants. Non-European countries such as India are often preferred, as these operations cost \$20,000-\$30,000 there, which is several times less than in a European country. Residing in a country such as India is also cheaper for family members during the journey.⁴⁵²

⁴⁴⁷ Meeting with the Barika refugee camp.

⁴⁴⁸ Ad hoc Committee of Maidany Azadi. February 28, 2011.

⁴⁴⁹ Meeting with UNICEF Iraq in Erbil.

⁴⁵⁰ Meeting with UNICEF Iraq in Erbil.

⁴⁵¹ Meeting with UNICEF Iraq in Erbil.

⁴⁵² Meeting with Kurdistan Save the Children.

Most doctors practicing pediatrics in the KRG area are general practitioners. There is a lack of pediatricians in the region. In cooperation with the Ministry of Health, the KSC operates a children's rehabilitation center (CRC) in Sulaymaniya. Among its duties, the center provides psychological and social support and physiotherapy for disabled children.⁴⁵³

12.6. Mental health care in the KRG area

According to the Harikar NGO, approximately 90% of Iraqis are traumatized as a result of recent wars. There are no data on the availability of psychiatric treatment, however. Major funding is needed to help everyone affected. In addition, only a few doctors specialize in psychiatry.⁴⁵⁴ According to Iraqi authorities, there are three psychiatric centers in the KRG area (in Erbil, Sulaymaniya, and Dohuk) and only 20 psychiatrists. The treatment of PTSD was said by health authorities to be the main challenge in mental health care.⁴⁵⁵

There is a mental health center in Dohuk. At the same time, there are only a few psychosocial professionals and counselors in the governorate, as few medical doctors are willing to specialize in psychiatry. The doctors fear that they will not have enough patients because of the stigma attached to psychiatric illnesses in Kurdish society. Because of the stigma, many people do not seek treatment or do so in private clinics.⁴⁵⁶

12.7. Treatment for torture victims

Media coverage of torture has increased in the KRG area, expanding awareness of the issue. The fact-finding mission had the opportunity to visit the Kirkuk Center for Torture Victims in Erbil. The first rehabilitation center of the organization was opened in Kirkuk in 2005. Another center was opened in Sulaymaniya in 2009. There is also a plan for a center in Dohuk. The Erbil facility, which cooperates with local public health officials, was founded in 2010 but was not operational during the visit because of renovation of the premises. In all, approximately 6000 patients had been treated at the centers in the preceding year and half.

Doctors, psychiatrists, social workers, psychologists, and physiotherapists work at the center in Erbil, which also employs administrative staff. At the time of the fact-finding mission, the center's funding was at imminent risk, and the center hoped it would continue. Most doctors work part time for the center. They also have their own practices and / or are employed at public hospitals in the Erbil region.

The center in Erbil works with victims suffering from gender-based violence, war violence, and terrorist attacks as well as a range of psychological and social problems. Many female patients have experienced domestic violence. Women and elderly persons are mostly treated by female psychiatrists. The center also has male doctors. Patients with mental illnesses such as personality disorders are treated with and without medication, and weekly follow-up meetings with patients are scheduled.

According to the Erbil center's staff, psychological problems are often hidden and awareness about these illnesses is lacking because of cultural norms. The center cooperates with several other civil society organizations, such as those working with women's and children's rights. Many patients are referred from these organizations to the Erbil center for treatment. The center also follows the situation of patients after treatment.

⁴⁵³ Meeting with Kurdistan Save the Children.

⁴⁵⁴ Meeting with Harikar NGO.

⁴⁵⁵ Meetings with Iraqi health authorities.

⁴⁵⁶ Meeting with Harikar NGO.

Many patients at the Erbil center are women. The fact-finding mission was told that in Kurdish society, young husbands and wives are often not prepared to live together. (Obviously, this can also be the case with mature couples.) This often leads to problems at home. The underestimation of women is common in the society, and social awareness and sexual education are lacking. The center in Erbil has many female patients who have experienced violence under these circumstances. Violations can also occur when women date and go out independently, in contrast to traditional behavior. According to the staff at the Erbil center, the symptoms these women experience can at first seem ordinary (e.g., headache, backache). Often the real problem is revealed after several treatment sessions at the center.

At the time of the fact-finding mission, one of the center's teams was working on the premises, whereas another team, which included a psychologist, a medical doctor, and a social worker, was working in the field. The mobile team pays visits to people such as prisoners. Some detainees who meet with the team are between 16 and 18 years of age. They have often been detained for theft. Some of the young prisoners are victims of violence and sexual abuse in their own family. The center offers follow-up meetings for released prisoners. To visit a prison, the center applies to the Ministry of Social Affairs for a letter permitting the visit. This process takes about a month.

According to the center in Erbil, torture is a problem throughout the Middle East and has been a major problem in Iraq, particularly during the former regime. The center hopes that the practice of torture disappears. There is a stigma involved in torture and related mental health problems in Iraqi Kurdish areas. Thus, victims of torture needing help are hard to find. The Kirkuk Center for Torture Victims also presents seminars to audiences, including governmental staff, and performs group therapy to enhance awareness about these aspects of Kurdish society. The mobile team also visits rural areas and offers free transportation for patients to the Erbil center. In rural areas, where the social network is tight, the elders of the community often try to resolve family problems by themselves. The Kirkuk Center for Torture Victims is not involved in the mediation of disputes between families.

The Erbil center has a variety of drugs for treatment, including antidepressants, new-generation drugs such as selective serotonin reuptake inhibitors (SSRIs), and antipsychotic drugs, as well as psychoactive drugs such as benzodiazepine and diazepam. Some drugs are acquired from local drug stores; some are received from the Ministry of Health. The fact-finding mission learned that experts from Hamburg University have trained the Erbil center's staff, and staff members in all centers have participated in various workshops. During the renovation of the Erbil center, some staff members were in Berlin and other locations for training.⁴⁵⁷

12.8. Health care in the disputed areas

Access to health care is a concern of many in the disputed areas, particularly IDPs, refugees, and returnees.⁴⁵⁸ Ongoing violence in the disputed areas, e.g., in Mosul, constrains the health care and social work systems. Drought and the drying up of water networks in many disputed areas are also problematic for health care. The presence of international actors is not substantial in the disputed areas, but together with local NGOs, they make important contributions to health care services. Some communities have problems accessing health care. For instance, the IDP camps in the Salah al-Din governorate, which are inhabited by Sunnis and situated in remote locations, suffer from a lack of health care services. According to Qandil, some of these people reside in tents. They are very poor, and health care facilities

⁴⁵⁷ Meeting with the Kirkuk Center for Torture Victims in Erbil.

⁴⁵⁸ IOM Iraq Displacement reports, November 2010.

are situated far away from the camps. The fluctuating security situation in the area adds to the difficulties in accessing health care.⁴⁵⁹

Female-headed households and handicapped persons are particularly vulnerable in terms of health care needs in the disputed areas. The ICRC is empowering disabled heads of households through microeconomic initiatives in Dohuk, Erbil, Sulaymaniya, Ninawa, and Kirkuk. The ICRC supports local health administrations and helps to enhance the capacity at some health care centers in the Ninawa, Kirkuk, and Diyala governorates. For example, the centers are visited on a regular basis to maintain and upgrade water supply networks. The ICRC also visits detainees and assesses conditions in the detention facilities, respect for the detainees' legal safeguards, and their access to proper health care. The ICRC has also distributed hygiene items to IDPs such as female heads of households in the Dohuk, Erbil, Sulaymaniya, and Ninawa governorates.⁴⁶⁰ Many doctors and nurses in Iraq have benefited from training in emergency services and trauma management organized by the ICRC and Iraqi health authorities. Some of these health care professionals come from Koya, Erbil, Dohuk, Khanaqin, Sulaymaniya, and Kirkuk.⁴⁶¹

13. Iraqis in Jordan and Syria

It is estimated that there are hundreds of thousands of Iraqi refugees in Jordan and Syria.⁴⁶² The Chaldean Catholic Vicariate in Amman estimated that there were 350,000 Iraqi Muslim refugees and 20,000 Iraqi Christian refugees in Jordan at the time of the fact-finding mission.⁴⁶³ Some 30,000 Iraqi refugees in Jordan were registered by the UNHCR in 2010, and about 12,000 received monetary support. The UNHCR was prepared to distribute 150,000 non-food item (NFI) kits to refugees in Jordan from May 2011 onward.⁴⁶⁴

Many refugees in Jordan remain unregistered. Jordan officially considers them guests. Jordan has not allowed tent camps; thus many Iraqis, who tend to represent the middle class and come from urban settings, rent apartments in cities and large towns. Many unregistered refugees work illegally and have no access to social benefits or health insurance. Health services and schools are, in general, available to Iraqis in Jordan. However, the economic situation there is difficult, and many refugees are living in poverty.⁴⁶⁵

Some of the poorest Iraqis residing in Jordan have moved to cities and towns outside Amman, where the cost of living is lower. Government organizations such as the Jordanian Government's Family Protection Department and many NGOs are very efficient and helpful to Iraqis but have limited means to help numerous refugees.⁴⁶⁶ Many health care professionals have fled from Iraq to Jordan. Patients needing advanced health care such as complicated surgery often travel to Jordan for treatment. The salaries for medical staff are better in Jordan than in Iraq.⁴⁶⁷

Christian refugees generally want to settle in Jordan or be resettled in a third country, and they do not plan to return to Iraq. In the KRG area, the town of Ainkawa, where many Christians have fled over the years from the rest of Iraq, is said to be overcrowded. Christians in Jordan are generally not willing to return to Baghdad. The return of Iraqi

⁴⁵⁹ Meeting with Qandil.

⁴⁶⁰ ICRC. *Iraq: Facts and Figures. January – December 2010*; ICRC Operational Update. January-February 2011.

⁴⁶¹ ICRC Operational Update. January-February 2011.

⁴⁶² Meeting with NGOs in Amman.

⁴⁶³ Meeting with the Chaldean Catholic Vicariate in Amman.

⁴⁶⁴ UNHCR. May 2011; UNFPA. 2010.

⁴⁶⁵ Meetings with Iraqi health authorities and the Chaldean Catholic Vicariate in Amman.

⁴⁶⁶ Meeting with NGOs in Amman and the Chaldean Catholic Vicariate in Amman; UNFPA. 2010.

⁴⁶⁷ Meetings with Iraqi health authorities.

refugees from Jordan to Iraq in general is slow, and many hope for resettlement.⁴⁶⁸ Approximately 20,000-50,000 refugees in Syria and Jordan were estimated to have returned to Iraq in 2010 (January-May).⁴⁶⁹ The fact-finding mission heard that there are also many Iraqi refugees in Jordan who belonged to the former Iraqi elite. These persons are unwilling to return to Iraq.

The Chaldean Catholic Vicariate in Amman explained that the first significant migration of Iraqi Christians to Jordan started after 1991. The vicariate was opened in 2002 for Iraqi Christians and currently has about 10,000 members. The second major migration of Iraqis to Jordan occurred from 2003 onward. There are currently about 20,000 Christians in Jordan, including Armenians, Chaldeans, Assyrians, and Protestants. There was new migration of Christians to Jordan after the attack on Sayidat al Najat church (Our Lady of Salvation Church) in Baghdad in October 2010.⁴⁷⁰

The Chaldean Catholic Vicariate expressed hope that when considering resettlement to a third country, family members would be reunited in the same country. The security situation for refugees in Jordan was considered stable. The problems Iraqi Christians face are often psychological. Families suffer as children cannot go to school and fathers have no work. Apart from religious services, the church offers limited assistance to refugees, such as monetary aid for food purchases, help with electricity, and education for youngsters. Classes include computer training, hairdressing, secretarial training, small business studies, and Aramaic language courses.⁴⁷¹

By October 2010, the UNHCR had registered about 290,000 Iraqi refugees in Syria.⁴⁷² Some 153,000 UNHCR-registered Iraqis were residing in Syria in December 2010.⁴⁷³ Iraqis do not get much official protection in Syria and are hoping for resettlement.⁴⁷⁴ The conflict in Syria has raised the number of refugees returning to Iraq, with thousands of returns to Iraq in the spring of 2011.⁴⁷⁵ According to NGOs in Amman, returns from Syria to Iraq had already increased before the Syrian unrest started. There has been a reduction in funding to help Iraqi refugees in Syria, and many people are returning to Iraq for financial reasons. At the time of the fact-finding mission, up to 1500 Iraqi refugees were estimated to return weekly from Syria to Iraq. At the time, there were still Iraqis migrating to Syria.⁴⁷⁶

⁴⁶⁸ Meeting with NGOs in Amman.

⁴⁶⁹ Meeting with UNHCR Iraq in Amman.

⁴⁷⁰ Meeting with the Chaldean Catholic Vicariate in Amman.

⁴⁷¹ Meeting with the Chaldean Catholic Vicariate in Amman.

⁴⁷² UNHCR. October 8, 2010.

⁴⁷³ IRIN. December 13, 2010.

⁴⁷⁴ Meeting with NGOs in Amman.

⁴⁷⁵ The Daily Star. May 20, 2011.

⁴⁷⁶ Meeting with NGOs in Amman; Al Jazeera English. May 29, 2011.

14. Appendix

14.1. Interviewed sources

An Academic in the KRG

Assyrian Democratic Movement, Erbil

Asuda, Sulaymaniya

Awene newspaper, Sulaymaniya

Barika Camp, Sulaymaniya governorate

Chaldean Catholic Vicariate, Amman

Consulate General of the Federal Republic of Germany, Erbil

Consulate General of France, Erbil

Consulate General of Turkey, Erbil

Denge Nwe Radio, Halabja

Development Cooperation of the European Union to the Republic of Iraq, Amman

Embassy of The Republic of Iraq, Amman

Embassy of Switzerland, Amman

Gorran parliamentarian, Erbil

Harikar NGO, Dohuk

ICRC, Amman

ICRC, Erbil

ICRC, Sulaymaniya

Identity Center, Amman

IOM Iraq, Amman

IOM Iraq and AVR returnees, Erbil

Juvenile Pre-Trial Detention centre and Juvenile Detention centre at Salam Camp, Sulaymaniya

KCRO, Dohuk

KDPI camp, Khoy Sanjak

Khanzad Women's Center, Sulaymaniya

Public

Kirkuk Center for Torture Victims, Erbil

Komala camp, Zergwez

KRG, Assistant Director, Bureau of Migration and Displacement

KRG, Director General, General Directorate for Citizenship, Passports and Residency, Erbil

KRG, Erbil International Airport

KRG, Governor of Sulaymaniya

KRG, Head of Foreign Relations Department

KRG, Director General, Legal, Administrative and Financial Affairs, Investment Board

KRG, Minister of Health, Ministry of Health

KRG, Minister of Justice, Ministry of Justice

KRG, General Director, Ministry of Interior

Kurdistan Save the Children, Sulaymaniya

A media expert, Amman

Migration Attaches, Amman

NGOs, Amman.

Norwegian People's Aid, Sulaymaniya

Qandil, Erbil

UNAMI, Erbil

UNDP, Amman

UNHCR, Amman

UNHCR, Erbil

UNICEF, Erbil

University of Duhok

U.S. Regional Reconstruction Team, Erbil

WADI, Sulaymaniya

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