

RESPOND



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Refugee Protection

Iraq Report

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List of Abbreviations

JCC: Joint Coordination Center

HHRO: Hammurabi Human Rights Organization

IDPs: Internally Displaced Persons.

IOM: International Organization for Migration

MOMD: Ministry of Migration and Displacement

UNHCR: United Nations High Commissioner for Refugees

UPR: Universal Periodic Review

WFP: World Food Program

About the Project

RESPOND is a Horizon 2020 project which aims at studying the multilevel governance of migration in Europe and beyond. The consortium is formed of 14 partners from 11 source, transit and destination countries and is coordinated by Uppsala University in Sweden. The main aim of this Europe-wide project is to provide an in-depth understanding of the governance of recent mass migration at macro, meso and micro levels through cross-country comparative research and to critically analyse governance practices with the aim of enhancing the migration governance capacity and policy coherence of the EU, its member states and third countries.

RESPOND analyses migration governance through a narrative which is constructed along five thematic fields: (1) Border management and security, (2) Refugee protection regimes, (3) Reception policies, (4) Integration policies, and (5) Conflicting Europeanization. Each thematic field is reflecting a juncture in the migration journey of refugees and designed to provide a holistic view of policies, their impacts and responses given by affected actors within.

In order to better focus on these themes, we divided our research question into work packages (WPs). This report is concerned with the findings related to WP3, which focuses specifically on asylum procedures and refugee protection.

Executive Summary

This report is a study of the conditions facing asylum seekers and refugees in Iraq, and contains data on internally displaced persons, with regard to international protection and other types of protection, and the extent to which protection is being provided through regional and international agreements, instruments and treaties. In this context, the scope of the report can be summarized as follows:

- The legal, institutional and political framework regarding asylum seekers and refugees in relation to international protection, including the limits of protection for the period between 2011 and 2017.
- Perceptions, experiences and strategies of actors at the micro and meso levels; in other words, policy implementers and policy beneficiaries in relation to international protection.
- Policies to implement international protection and their implications, procedures, and challenges, based on field work carried out by the working group in Iraq (meetings with asylum seekers, refugees and displaced persons).
- The nature of the work and coordination between governmental and non-governmental institutions and other actors that deal with international protection and the extent of their success in assigning work, coordination and cooperation, and the problems arising between these relevant bodies.
- Solutions and recommendations within the framework of policies and best Practices at the national and local levels.

Therefore, the objectives of this report (WP3) can be summarized as follows:

- To analyze the international approach for asylum procedures and refugee protection, and the extent of their implementation and impact in Iraq.
- To provide analysis informed by macro-level engagements based on (WP1 national report) and micro-and intermediate (meso) level analysis based on fieldwork.
- To explain and evaluate international protection systems at the national and local levels.
- To analyze actors at the meso-level, as well as perceptions, actions and reactions of refugees and displaced persons to asylum procedures, policies and refugee protection.

1- Introduction

This report aims to shed light on the international national protection policies of Iraq since the international community started to adopt international and regional agreements in this regard. This report also attempts to illustrate the extent of Iraq's commitment to the upholding of laws, customs and international agreements regarding refugees after the country became a destination for many, especially in the period between 2011- 2017, during which time it received more than 250,000 Syrian refugees¹. Additionally, the number of Turkish refugees of Kurdish origin has reached 11,500, while the number of Iranian refugees has reached 8,500, most of whom have Kurdish origin as well. ²

Iraq has yet to legislate a law specific to refugees (humanitarian asylum) (Law No. 51 of 1971 on political asylum does not contain provisions that include humanitarian asylum) despite the large numbers of refugees residing in Iraq, especially from Syria, as mentioned above.

This report poses the question of whether or not Iraq has provided adequate protection for refugees and to what extent Iraq has adapted laws and legislations in accordance with international law and other international and regional standards, despite its limited experience in welcoming large numbers of refugees within a short period, This report also reflects on the national protection in Iraq for internally displaced persons, especially since Iraq has witnessed much armed conflict in the years between 2005-2007, in addition to the continual exposure to violence and terrorism over the past decade, escalating to its height in 2014. That year, when terrorist groups took control of large areas of Iraqi territory, the number of displaced people reached more than 3.3 million people.³

1 Iraq does not treat Syrians residing in its territory as refugees or asylum seekers, but it considers them guests according to the directives of the National Security Agents Council and the Iraqi Ministry of Immigration to prevent any opportunity to resettle them in Iraq or grant them Iraqi citizenship in the future

2 Horizon 2020, Respond, working Papers, Global Migration: Consequences and Responses, June2018, p.365. www.respondmigration.com

3 Ibid, PP. 369

2- Methodology

The researchers employed an inductive method to draft this report, through which data on international and regional laws, customs, conventions and treaties related to the protection of refugees was collected, and to generalize the subject (case) of Iraq on (the situation) in general with regard to laws, agreements, customs and international treaties specific to refugees, that is, the link between the Iraq case study and the international (general) refugee situation. Meaning to study the protection situation of refugees in Iraq's part of the whole situation. And rely on, in analysis, the information derived from the interviews conducted by the research team at the micro level with refugees, and (Meso) level with organizations and regional and international agencies, and also on the macro level with (government entities responsible for managing the displaced and refugees file).

The comparative approach was used in parallel with the inductive approach in this study.

The national protection in Iraq was also identified by collecting information and analyzing data from interviews conducted by the research team with refugees and displaced persons.

The team conducted 29 interviews with the Syrian refugees: 26 of Kurdish origin and 3 from other minority groups, such as Assyrians, Christians, or others.

16 of the refugees were male and 13 were female. 17 arrived in Iraq between 2011 and 2014, while 12 arrived during the period of 2014-2017. They were distributed to three governorates in the Kurdistan region: 14 to Erbil, 11 to Duhok, and 4 to Sulaimaniyah. The interviews included 17 refugees between the ages of 18-38 years (9 males and 8 females). From the age group of 39-59 years, 5 were males and 4 were females, and from the age group of 60 and above, 2 were male and one was female.⁴

As for interviews with internally displaced people, there were 29 interviewees total, 14 of which were male and 15 female. 9 represented non-Muslim religious minorities such as Yazidis, Christians, and others. 25 were displaced between 2014-2017 and 4 between 2011 and 2014. The interviews also included three age groups (18-38) years, which included 5 interviews with males, 6 with females and ages (39-59) included 6 males and 8 females, and ages 60 and above included 3 males and 1 female.

The field team also held two meetings with meso level actors and several meetings at the level of decision makers at the macro level.

3. The National System for International Protection

⁴ Look at table number 2

3.1 Brief History of International Protection

Although Iraq has not signed the 1951 Convention relating to the Status of Refugees and its 1967 protocol, it has ratified many international human rights agreements and treaties that refer to refugee rights, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights of 1966. Additionally, Iraq has signed its attached protocol and the International Covenant on Economic, Social and Cultural Rights of 1966.

Table 1. The Main United Nations Conventions on Human Rights to which Iraq acceded

Name of Treaty	Date Joined
International Convention on the Elimination of All Forms of Racial Discrimination	14/1/1970
International Covenant on Economic, Social and Cultural Rights	25/1/1971
International Covenant on Civil and Political Rights	25/1/1971
Convention on the Elimination of All Forms of Discrimination against Women	13/8/1986
Convention on the Rights of the Child	15/6/1994
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	24/6/2008
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	24/6/2008
International Convention for the Protection of All Persons from Enforced Disappearance	23/11/2010
Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment	7/7/2011
Convention on the Rights of Persons with Disabilities	20/3/2013

On the regional level, on August 5th, 1990, the Council of Foreign Ministers of the Organization of Islamic Cooperation adopted the Cairo Declaration on Human Rights in Islam in Cairo. It is essentially in line with the basic principles of the Universal Declaration of Human Rights as well as with what is stated in the Refugee Convention of 1951.

In the same context, Iraq has ratified the Arab Charter on Human Rights, which was adopted by the sixteenth Arab Summit hosted by Tunisia on May 23, 2004, which includes articles on refugees and their rights. Paragraph 1 and 2 of Article 26 are as follows:

1- Every person legally present in the territory of a state party to this charter has freedom of movement and choice of residence in any part from that region within the limits of the legislation in force.

2- It is not permissible for any state party to deport any person who does not have its nationality and who is legally present on its territory, except by a decision issued in accordance with the law, and after enabling him/her to present his/her case to the competent authority, unless national security reasons necessitate otherwise, and in all cases, collective expulsion is prohibited.⁵

This came in line with the Universal Declaration of Human Rights issued on December 10, 1948⁶, which Iraq was among the first countries to sign⁷, and is also congruent with Iraq's obligations under the International Covenant on Civil and Political Rights.⁸

Iraq is also a member of the Organization of Islamic Cooperation which issued the Ashgabat Declaration that emerged from the International Ministerial Conference on Refugees in the Islamic World, held in the city of Ashgabat, Turkmenistan, on 11-12 May 2012. The organization is comprised of ministers, heads of delegations of member states and representatives of human rights and international organizations.

The signatories of the declaration expressed deep concern over the conditions of refugees world-wide, especially given that most refugees are hosted by member states of the Organization of Islamic Cooperation. They also praised the contribution of the member states of this organization for hosting refugees in their territories. The 57 member states of this organization host approximately 10.7 million refugees, including five million Palestinians (according to the statistics provided by UNRWA).

The declaration indicates that the member states continue to fulfill their firm commitment to provide protection to refugees, taking into account their national capabilities and local laws. The declaration also states that "the 1951 Convention relating to the Status of Refugees and the protocol annexed in 1967 represent a continuous value that coincides with the 21st century, and the importance of respecting the principles and values contained in these documents."⁹

In this context, on September 20, 2017, the United Nations High Commission for Refugees (UNHCR) and the League of Arab States, of which Iraq is a member, signed a Memorandum of Understanding with the aim of setting a general framework for cooperation in order to effectively respond to the needs of refugees in the Arab region and facilitate humanitarian assistance and humanitarian response in emergency cases.

5 The Arab Charter for Human Rights, the most recent version, University of Minnesota, the Library of Human Rights www.hrlibrary.umn.edu, also see, the Arab Charter for Human Rights issued in the series of publications of the National Commission for Human Rights, Doha, Qatar Sunna, p. 11.

6 The Universal Declaration of Human Rights, United Nations brochure on the 70th anniversary of the Universal Declaration of Human Rights, New York, 2017

7 There is no signature

8 A brochure in the series of publications of the National Commission for Human Rights, Qatar, Doha

9 Ashgabat Declaration, 2012 www.alanba.com.kw, published on 5/14/2012.

3.2 The Legal and Political Framework for International Protection

There is no legal text in the Constitution of the Republic of Iraq that refers to organizing the issue of immigration and refugees, except as stated in the second paragraph of Article (21), which states:

"The right to political asylum in Iraq is regulated by law and it is not permissible to extradite a political refugee to a foreign entity or forcibly return him to the country from which they fled."

Also, the third paragraph of the same article reads as follows:

"Political asylum is not granted to those accused of international or terrorist crimes, or to whoever harms Iraq."¹⁰

Aside from the aforementioned citations, the Iraqi Constitution does not refer to the issue of refugees and immigration to Iraq. A draft law has been submitted by the Permanent Committee for Refugee Affairs, within the Iraqi Ministry of the Interior since 2016, and the Iraqi cabinet has referred it to the Iraqi parliament, although it is yet to have been passed. There is, however, the Political Refugees Law No. 51 of 1971, which regulates the lives of asylum seekers in Iraq.

Iraq also legislated the Residence of Foreigners Law No. (76) of 2017, which did not address the issue of immigration and refugees.¹¹

The Ministry of Immigration and Displacement Law No.21 of 2009 is one of the laws adopted by Iraq to organize and improve the conditions of internally displaced persons and refugees in Iraq in accordance with the standards and guidelines of the United Nations and the rules of international law that work with Iraqi national interests.

3.3 The institutional framework and actors with regard to international protection

There are many Iraqi institutions and bodies concerned with the status and follow-up of refugee and internally displaced cases, and strive to provide protection for them, Some of these entities are governmental and others are independent bodies in Iraq, and they work together in a coordinated and cooperative manner. The governmental institutions exclusively concerned with refugees are the Ministry of interior, represented by the Permanent Committee for Refugees Affairs, and the Ministry of Immigration and Displacement. The Ministry of Immigration and Displacement was established post-2003, and is primarily concerned with migration issues, refugees and internally displaced persons. From the regional authorities that deal with refugee and displaced issues is a regional authority of Iraqi Kurdistan. At the local level, there are authorities of border provinces in particular and other provinces in Iraq in general, and independent national bodies. Like the High Commission for Human Rights, which also follows up on issues pertaining to the rights of refugees and displaced persons.

10 The Constitution of the Republic of Iraq, Fact Sheet / Iraqi Issue No. 2012, 28/12/2015.

11 www.alsumaria.tv. Publication 12/23/2017

Through joint committees, there is cooperation and coordination between these institutions on issues related to the rights of refugees and internally displaced persons. On an international level, they carry out their work through coordination with international, regional and local organizations concerned in this field, working especially closely with UNHCR and the International Organization for Migration (IOM), The World Food Program (WFP), the International Red Cross, and Qandil (a Swedish humanitarian aid organization), as well as dozens of local, national NGOs providing humanitarian assistance to refugees and displaced people.

Also notable is that these organizations have played an essential role in assisting refugees and asylum seekers, and in reducing statelessness via the creation of a regional response plan to support refugees and empower their host communities. What confirm this role is the coordination that took place between Iraq and the UNHCR in dealing with the situation of Iranian political refugees (Mujahideen Khalq) who had been in Iraq, and were opposed to the current Iranian regime, because their legal status was not clear, after the political changes that occurred in Iraq after 2003. Finally, the issue was resolved by signing an agreement between the UNHCR and Iraq to resettle them in Albania, in September 2016 ¹²

3.4 Definitions and Perceptions of Protection at the National Level

Concepts of International Protection, Key Topics/Stories (Qualitative Content Analysis) - Perceptions of International Protection, Problems, and Solutions.

The topic of protection in national law is closely related to the definition of a refugee. The Political Refugee Law No. (51) of the year 1971, which is currently in effect, does not contain a broad definition of a refugee, rather, the refugee in this law is considered to be every foreigner who seeks refuge in Iraq for political reason only. The law does not take into consideration the other humanitarian causes or the fact that some may be subjected to persecution or threats due to race religion nationality social affiliation, etc. The law also does not refer to the types of temporary or permanent protection.

Although Iraq has not yet enacted a comprehensive law for refugees, it looks at international protection through the national legal framework, relying on its existing laws, treaties, agreements, declarations and international instruments that it signed or joined, especially those related to human rights, which have already been mentioned above. As Iraq provides protection within the framework of the Political Refugees Law No. 51 of 1971, as well as the Law of the Ministry of Immigration and Displacement No. (21) of 2009, and the decisions and orders of the Permanent Committee for Refugees, in light of the memorandum of understanding and coordination between the Iraqi government and the UNHCR as well as memorandum of understanding for Refugees protection between the Kurdistan Regional Government of Iraq KRG and the UNHCR .

Article 2 of the Law of the Ministry of Displacement and Migration clearly defines the terms refugee, internally displaced persons and Palestinian refugees. This article specifies that

12 Horizon 2020, Respond, Working Papers, Global Migration: Consequences and Responses, June2018, p.377, www.respondmigration.com

refugees of non-Iraqi nationality are individuals who seek refugee status have done so “r”as a result of being persecuted because of race, religion, nationality, belonging to a certain social group or political opinions, or as a result of exposure to public violence or events that seriously disturb public security or threaten their lives or their physical safety or liberties and those who have taken refuge in accordance with international law and agreements to which Iraq is a party”.

While the same article defines IDPs as “Iraqis forced to flee their homes or left their usual place of residence inside Iraq to avoid the effects of armed conflict, general violence, human rights violations, disasters caused by human beings or abuse of authority or due to development projects.” This law also defines Palestinian refugees as individuals “who were forced to leave their homeland since 1948 and resided legally in Iraq and were accepted as refugees.”¹³

Article 3 also emphasizes an endeavor to improve the conditions of Iraqi IDPs and refugees in Iraq of other nationalities to reach a minimum as a basis to the United Nations guidelines and international laws and norms, taking into consideration what is compatible or consistent with Iraqi national interest and internal considerations. The same article also emphasizes coordination and cooperation with the concerned authorities inside and outside Iraq to provide solutions or services. Likewise, the Ministry of Immigration and Displacement coordinates and cooperates with the UNHCR, international and humanitarian organizations on all matters related to refugee affairs. The ministry also coordinates and cooperates with the Permanent Committee for Refugee Affairs in seeking to establish a database that includes information on asylum seekers and refugees and their legal status, issuing identification documents to them, and providing protective services .

Although Iraq, as mentioned above, has a system of legal rules and mechanisms in protecting asylum seekers and refugees, in addition to what is imposed by its international human rights obligations, there are many challenges that still stand in the way of achieving an integrated protection system that covers the rights of asylum seekers and refugees.

It is worth noting here that Iraq has a social and religious specificity, it is important to take into account, for example, Iraq’s current refugee bill explicitly states it will not accept asylum applications citing persecution due to sexual orientation..¹⁴

Some of these legislative challenges are represented by Iraqi’s inability to pass the refugee bill proposed by the Ministry of Displacement and Migration and the Permanent Committee for Refugees¹⁵, Others are related to the political mentality of Iraqi politicians that control the

13 Law of the Ministry of Immigration and Displaced, Article 2, 2009.

14 Star Nowruz, Director General of the Branches Department at the Ministry of Displacement and Migration, Roundtable Meeting, Baghdad, 12/15/2018

15 The proposed refugee law: It is the draft refugee law prepared by the relevant authorities in the Ministry of Immigration and Displaced and the Ministry of Interior represented by the Permanent Committee for Refugee Affairs in 2017, for organizing refugee rules and its provisions in Iraq to include all cases of humanitarian and political asylum due to persecution and threats based on race, religion or nationality or social affiliation, in line of the provisions of the Constitution of Iraq, international agreements and the enforcing laws with finding the relevant administrative structure, but this law has not been legislated until now. According to the letter of General Secretariat of the Council of Ministers, office of the

political process which warns Iraq for expanding its circle of international obligations, especially regarding the issue of refugees, and that Iraq remains to this day not signatory of the 1951 Refugee Convention. Therefore, its legal framework is not clear enough to deal with refugee affairs in general. Rather, it has no steady policies and each case is dealt with separately, and it is subjected to the political and ideological considerations of ruling class, therefore, policies towards refugees change with rulers and regimes. This creates a distinction between them according to the prevailing political trends in each stage. The legal adaptation of refugees is not controlled in Iraq, and not all refugees are treated according to the same principles.¹⁶ For example, the approach to dealing with Palestinian refugees during Saddams Hussein's regime changed significantly for the worst after the regime change 2003.

Another challenge to protection has been the political and security instability in the country from 2003 to 2017. The overall situation has had negative implications for refugee protection, specifically reflected in the cases of Palestinian refugees. The issuance of the Foreigners' Residence Law No. (76) of 2017 revoked the privileges included in the Saddam regime's decisions, which gave Palestinian refugees the rights of Iraqi citizens. Under this law, Palestinian refugees enjoyed the right to life, to own property, to be employed, the right to education, etc. The Revolutionary Command Council had issued many decisions during the Saddam regime to regulate the affairs of Palestinian refugees in Iraq, such as Resolution 131 regarding compulsory education for their children and Resolution 202 that gives Palestinian refugees all the rights of the Iraqi citizen. Canceling this decision has resulted in many negative implications for Palestinian families. For example, food rations were withheld from Palestinian refugees in June 2018, which led to the deprivation of 106 Palestinian families, forcing the Palestinian ambassador in Baghdad to meet the Iraqi Minister of Trade to lift this ban.¹⁷ Likewise, the second paragraph of Resolution 366 of 1969 equated the Palestinian with the Iraqi citizen in terms of appointment, promotion, and retirement, but now, after canceling this decision, they are forbidden from retiring. The same has been imposed upon Iranian political refugees whose camps were closed arbitrarily and subsequently deported from Iraq.¹⁸

The cancellation of Revolutionary Command Council (dissolved) Resolution No. 202 caused a setback in the protection of Palestinian refugees. For example, when Palestinian refugees were displaced in 2006-2007 and after 2014, they were dealt with as Iraqis in terms of employment and opportunities to study in universities.

The new residence law for foreigners No 76 of 2017 did not include the rights previously granted to Palestinian refugees, and had serious negative consequences for families who relied on food

Council of Ministers and Committees Affairs No. 041429 on December 28, 2017.

16 Sanaa Fadel Globe, UNHCR, round table meeting, Baghdad, 12/15/2018

17 Ibid, round table meeting, Baghdad, 15/12/2018

18 After 2003 and the collapse of Saddam Hussein's regime, Iranian refugees opposed to the Islamic Republic in Iran, who were present in Ashraf Camp in the Iraqi Diyala Governorate, were subjected to numerous harassment, were transferred to a camp near Baghdad airport, and were subjected to artillery shelling, and then they were transferred to Albania after the camp was closed.

rations and hoped to enjoy retirement benefits. Especially effected have been Palestinian children, despite the fact that the Prime Minister has issued a clarification of the new policy that is seen as unlawful. Also, articles 2 and 3 of the Political Refugee Law define Syrian refugees as individuals displaced across borders. Officials at the Ministry of Displacement and Migration emphasize that despite the fact that Kurdish refugees from Turkey and Iran have been in the country for 24 years, they still have not obtained citizenship nor official Iraqi documentation. They do, however, enjoy access to education.

The political conflict between the federal government in Baghdad and the Kurdistan Regional Government of Iraq in Erbil has had a negative impact on the conditions of Syrian and Iranian refugees, as the federal government in Baghdad was unable to organize information related to this file and provide refugees with the required documents pertaining to residence, their freedom of movement, and the guarantee of work.

The presence of most of them was confined to the Kurdistan Region of Iraq because they entered Iraq through the border outlets of the region and they were granted privileges in housing, residence and work, which was not the case in areas controlled by the Federal government. So the difference in opportunities for protection was reflected in the reality of the refugees and the extent of their freedom of residence, movement and work throughout all of Iraq. Similarly, the refugees in Iraq were directly affected by the economic crisis in the Kurdistan Region of Iraq, that came as a result of political tension between the federal government and the Kurdistan Regional Government. This economic crisis had repercussions on the overall needs of refugees, including access to health care, extending the waiting period for official documents, and the closure of the few schools that offered curriculum in Arabic language due to the delay in paying teacher salaries..¹⁹

The large deficit in the budget of Iraq and at the level of the Kurdistan region had negative repercussions on the conditions of refugees. Children who live outside the camps, as well as Iraqi IDP children need psychological and social support services. Access to education for refugee and IDP children has been impeded by the economic crisis in the KRI, as teachers who were contracted by the KRI's Ministry of Education did not receive their salaries for six months, and thus sought employment opportunities in Europe. This also applied to qualified special education teachers who met the needs of children with disabilities in the KRI.

The budget deficit also negatively impacted the delivery of health services in the KRI. Many medical facilities closed due to lack of staff, scarcity of medicines and equipment, and the risk of outbreak of disease. The impact of the lack of medical treatment available was magnified as refugees suffered simultaneously from water scarcity, sanitation and electricity issues, particularly in the summer months, as well as shelter and food shortages.

These problems need solutions at national, regional and international levels, including those related to the national level in terms of material and financial support for international

¹⁹ www.unhcr.org, February 2016

governmental and non-governmental organizations and in increasing the resettlement rate of Syrian refugees.

3.5 Developments Since 2011

Given that Iraq has yet to legislate a refugee law - apart from political asylum, there is no specific definition of protection in the national refugee law.

Iraq recognizes seeking and having asylum in the constitution, confirmed by Article 21, paragraphs 2 and 3 of the Constitution of the Republic of Iraq for the year 2005.

Most of the refugees in Iraq after 2011 do not consider Iraq as a country of final asylum but rather as a temporary or transit station to other countries, especially Europe. This is because most refugees consider Iraq's instability, both political and social, as uncondusive to the peaceful, dignified life that they seek.

²⁰ The political issues were, and still is, a factor controlling the status of refugees. Iraq still refers to Syrian refugees and others as "displaced across borders" instead of refugees or asylum-seekers. Years ago, formal communications began again between the Ministry of Migration and Displacement and UNHCR, to establish a database of refugees in Iraq, given the current reality of Iraq being a host country itself and not merely a country of transit

²¹

Despite the fact that Iraq has not joined the 1951 Refugee Convention and its 1967 Protocol, it is keen on upholding its obligations to the standards of international law, especially agreements and declarations pertaining to human rights. Iraq upholds the legal protection of refugees by refusing to forcibly send them back to their countries and by adopting the principle of returning voluntarily and without coercion.²² Asylum seekers in Iraq are provided temporary shelter in camps or other complexes while they await the processing of legal documentation. Once refugee status is obtained via UNHCR procedures, he or she has the right employment, education and public assistance. The process, however, of accessing the court system to obtain identification documents for travel and housing remains difficult for refugees to navigate.²³

The reality is that Iraqi authorities lack the necessary expertise to deal with caseload at hand, which has reached nearly 250,000 in the KRI alone, many of whom resided in makeshift complexes such as cloth tents.

The most notable developments in the conditions of refugees and IDPs between 2011-2017 can be summarized as the following:

- Nearly 253,000 Syrian refugees entered Iraq, of which close to 240,000 reside in the KRI.

20 Interviews were conducted with Syrian refugees by the research team of the Respond Project in Iraq

21 Star Nowruz, previously cited

22 Law of the Ministry of Immigration and Displaced, 2009

23 Refugee interviews at meso level

- The Iraqi government allocated 50 billion Iraqi dinars, equivalent to 40 million dollars for refugees,²⁴ with the allocation of 400,000 Iraqi dinars for each Syrian refugee family in Anbar (equivalent to 330 dollars) at the beginning of the crisis in 2011.²⁵
- Maintaining refugee camps outside of the areas in the country most effected by conflict and at a distance from territories held by ISIS.
- Canceling the privileges of Palestinian refugees including their rights within the Law on Foreigners No. (76) of 2017.
- The deportation of Iranian political refugees from Camp Ashraf for political reasons.

4- Abiding by International Law

24 The 32nd meeting of the Iraqi Council of Ministers on 24/7/2012

25 Meeting with a member of the Standing Committee for Refugees

Iraq is a signatory to the International Bill of Human Rights, and has joined eight human rights agreements, as mentioned above. Iraq is also committed to contractual and non-contractual mechanisms of the United Nations, including the submission of periodic reports on its human rights conditions to the Human Rights Council. Iraq is subject to periodic reviews by relevant committees from the international conventions on human rights ratified by Iraq, and the Universal Periodic Review (UPR) by special visiting rapporteurs.

Iraq has ratified most of the international treaties and conventions related to racial discrimination, including the International Convention on the Elimination of All Forms of Racial Discrimination 1965, and the International Convention for the Suppression and Punishment of the Crime of Apartheid (1971). It has also ratified the Convention to Prevent the Crime of Genocide and its punishment 1948. Iraq has joined most of the international instruments related to the right to physical and environmental integrity, including the Convention against Torture and other cruel, inhuman or degrading treatment or punishment

Among the important conventions that Iraq has joined are those related to transnational organized crime, including the United Nations Convention against Transnational Organized Crime 2000 and its protocol to prevent, suppress and punish the trafficking of persons, especially women and children, and a complementary protocol to combat the smuggling of migrants via the land or sea.

Iraq ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979, the Convention on the Prohibition of Trafficking of Persons and the Exploitation of Others 1949, and the Convention on the Rights of the Child 1989, and joined the Optional Protocol on the involvement of children in armed conflict 2000 and also the Optional Protocol to the Convention itself on the sale of children, child prostitution and pornography 2000.

Iraq has ratified a number of agreements relating to slavery, including the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and the Protocol to Amend the Slavery Convention of 1926. However, Iraq still has not joined the conventions related to international humanitarian law, especially the 1949 Geneva Conventions related to armed conflicts that seek to improve the conditions of the wounded/sick, protect civilians and prisoners of war.²⁶ It has not yet joined the Migrant Workers Convention and their families.

One of the indicators of Iraq's progress in its international obligations is its membership to the Human Rights Council in Geneva for the period (2017-2019) after the elections for the membership took place in October 2016.²⁷

In its membership, Iraq pursues a method of non-selectivity in directing international protection, in addition to adopting the principle of objectivity, independence and good appreciation for the

²⁶ For more details, see Appendix No.

²⁷ Muhammad Sahib Majeed, interconnectedness in human rights issues in the three councils: the Security Council, the Economic and Social Council and the Human Rights Council. Ministry of Foreign Affairs, Institute of Foreign Service, 2017, p.84-85

special rapporteurs who are selected and defining their mandates and tasks and not allowing the use of international protection of human rights to achieve political goals.²⁸

This is expressed in an official letter sent by the Minister of Foreign Affairs of Iraq to the United Nations on February 17, 2016, to request the formal nomination of Iraq for the first time as a member of the Human Rights Council.

5- Implementing International Protection on the National level

Although Iraq has mechanisms for protection in theory, the implementation and practice of these mechanisms is not actualized because there are variables and exceptions that occur continuously as a result of the unstable situation in Iraq, affected by political, security and demographic fluctuations.. Many Syrian refugees and others chose to enter Iraq because it is closeby, easy to access, or because it felt culturally, ethnically, racially, religiously, and linguistically familiar..

28 Previous source, p.84-85

Through fieldwork, the research team has identified points that reflected the extent of Iraq's ability to achieve appropriate protection, they are as follows:

5.1 Choosing Iraq as a country in which to take refuge

Drawing from the interviews conducted with the Syrian refugees in Iraq, it can be argued that they preferred Iraq over Turkey or Lebanon, due to that fact that, comparatively, Iraq offered more promising prospects for entry, employment and residency, and protection from persecution by authorities. Another factor pulling refugees to Iraq was the fact that many had relatives or close friends already there. One interviewee says:

I made the decision to leave for Iraqi Kurdistan because it was safe after I found that it was more appropriate for me to arrive in Erbil because they would give a visa and residence easily, while Lebanon residence cost more and the difficulty of obtaining one (Irq-1 HFK-Micro-Syr-M-No.1)

Another refugee states that, "I did not come to take refuge outside Iraq because we are afraid of alienation," adding, "I sought refuge in Iraq because of the war in Syria, insecurity, instability in addition to the lack of work (12GAB-Micro-Syr-No.12Irq)". In other words, in a more accurate sense, he came to Iraq for the sake of safety, stability and work.

5.2 The process of applying for asylum

Most of those who sought refuge in Iraq received information via social media and telephone communication from fellow refugees or relatives who had arrived in the country before them, One refugee says:

"The information we took was from the people who immigrate, in addition to the information that my brother who preceded me coming to Iraqi Kurdistan five months ago" (Irq-14SHRO-Micro-Syr-F-No14). However, a number of refugees came to Iraq with no information about the situation, Many simply joined groups as they were leaving collectively. Much of the information they received about Iraq was misrepresented by Syrian refugees. Many Syrian refugees were told stories by Kurds about the situation in the KRI that were far more positive and appealing than the reality that met them upon their arrival.. One interviewed refugee stressed that

I had no information about Iraq or any idea about the borders. I came with the rest of the people, we went through a rough time, had to walk and were very tired, and if there were no people coming to Iraq, we wouldn't have known the route because we don't know these roads, and many people were leaving Syria. I came with my two children. My daughter, who is with me now, was 3 months old, the child did not see her father who was killed in February and my daughter was born in August. The information we were obtaining from Syrians before us, and most of that information appeared to be contrary to the truth and exaggerated. The Syrians visiting Iraq and returning were transferring information to us, which turned out to be inaccurate. (Irq-15LYA-Micro-Syr-F-No.15)

A female interviewee asserts that

We had no information when we were in Syria about such a situation in Iraq, and what will happen to us after the asylum, where they tell us that things are good in Iraq and that you can find work with ease, and we girls can run a farm. But the reality is different from what was reported to us from Iraq, and while we were in Syria. (Irq- 21 PMF-Micro-Syr-F-No.21)

As for the expectations of refugees versus their actual experiences with the application and registration process, the largest number of Syrian refugees who were interviewed expressed their satisfaction with the way they were interviewed, citing an easy and brief process to obtain asylum status and residency in the KRI. One refugee noted that he found it easy to register, indicating that the procedures were straight-forward and that within one hour, the information was taken and he was granted a certificate of asylum from the United Nations and an identity with the right to work in Kurdistan (Irq-4RLM-Micro- Syr-M-No.4). Another refugee confirms that by noting:

The procedures were easy and they are easier than expected" and added that "the investigators and the staff, their behavior was good, they took care of me as a woman, " she asserted, " It took only two or three days to complete the procedure and I got the asylum application document, and I expected that it would take more. (Irq-18MYA- Micro-Syr-F-No.18)

Some refugees indicated that the procedures were difficult, and they expected to obtain the documents in less than a week or two, but it took months. The interviewed refugee says

I expected that when I arrive in Iraq, I will present my papers easily for immigration. In a matter of one or two weeks, I will get asylum and residency, but it lasted for three months and I was given the document of asylum seekers, which is with me and through it I got residency and moving around within Iraqi Kurdistan and also gives me the right to work. "(Irq-17AFA-Micro-Syr-M-No.17). As for the nature of the procedures of registration, he stressed, "The procedures were difficult and long. (Irq-17AFA-Micro-Syr-M-No.17).

As for giving special consideration to vulnerable groups or based on gender, most of the refugees confirmed that the investigators dealt kindly with them, so the refugee himself stresses that "there was a special consideration given to the handicapped, women and the elderly in particular" while some indicated a little on the contrary. One refugee says

The application process was in the form of queues, they separated women from men into two queues, one for women and the other for men, but there was no age-based consideration, as they did not differentiate between an elderly or disabled person. They just relied on the role, just as there was no special consideration for women, children and pregnant women. (19EMS-Micro- Syr-M-No.19)

Most of the refugees also expressed the lack of legal advice and that they were guided through the registration process by camp management, relatives or acquaintances who have gone through it before them. One refugee says "I did not receive support or legal advice, nor did I receive any material, moral or counseling support" (Irq-20RKA-Micro- Syr-M-No.20). Another refugee confirms

No one gave me legal advice. Rather, the one who provided support to me is a Syrian friend I know from the Levant, where I lived in the tent of his family who left the camp after they rented in Duhok, so the tent was furnished and had the remaining requirements. (Irq-24KJK-Micro-Syr-M-No.24)

Another refugee confirms that

No one provided me with legal assistance or advice or care for my children with regards to education" (Irq-18MYA-Micro-Syr-M-No.18). One refugee says "I did not obtain legal advice nor did I receive other assistance in education, language lessons, or training for children. (Irq-15LYA- Micro-Syr-M- No. 15)

The interviews revealed that Syrian refugees went through the registration procedures because in doing so, they acquire a document proving that they are asylum seekers, which gives them the right to residency, employment, and housing, especially in the KRI. The refugee expresses

The asylum application document helps us in obtaining residency in Iraq and in the event that I do not get it, I do not obtain residency and I cannot work or move around because it is considered my identification, as it was found that few Syrian refugees were aware of their rights and duties and know the difference between The rights of asylum seekers and the rights of refugees. (EMS-Micro-Syr-M-No. Irq-19)

One refugee says "I know the difference between alternative protection and the refugee's description" (Irq-21PFM-Micro-Syr-F-No.21). Another refugee says

My aim in seeking asylum is to ensure that I am not sent back to my country, when I am a refugee and has no authority over me other than the United Nations, it is written on my application that it is forbidden to forcibly return this person to his country, he is not a refugee but rather an asylum seeker, I am an educated person and I know my duties not to disturb security and not to harm the surroundings and customs and traditions and the importance of commitment to the rules of the society in which I live and other legal conditions. (3OMK-Micro-Syr-M-No.3 -Irq)

The same refugee added that "I do not know the refugee is different from the asylum seeker and I do not have any information about the refugee's rights and duties" (3OMK-Micro-Syr-M-No.3 -Irq)

One refugee stressed that "I don't know all my rights and duties as a refugee" (Irq-20RKA-Micro-Syr-M-No.20). Another refugee says "I know my rights as a refugee like security, safety and protection, and I don't know what my duties are" (Irq-11HFH-Micro-Syr-F-No.11).

5.3 Impressions of refugees and asylum seekers regarding the procedures and the behavior of investigators

Most interviewees were Syrian refugees who claimed that investigators who handled their cases were kind to them and considered their needs in terms of health, gender, age and gave special care to pregnant women.

One says "there was consideration by UN staff for the sick and the elderly." (Irq-6SHMH-Micro-Syr-M-No.6) Another refugee asserts "the procedures were in the camp and through the United Nations (UN), there was a special consideration in the registration, taking into account the elderly, children and women" (Iraq-13SAA-Micro-Syr-F-No.13). However, a few confirmed that the investigators did not consider gender or the elderly and children but rather prioritized their attention based on who applied first. a. According to one interviewee:

Applying was in the form of queues, there is no difference between someone young, old, or a woman, they separated women from men, but there was no gender consideration, as they did not differentiate between an elderly or a handicapped, they only depended on their place in line, as there was no special concern for women, children and pregnant women. (-Micro-Syr-M-No.19Irq- 19EMS).

Another refugee says during the registration "I conducted interviews and the investigators' behavior was vague. Everything was kept secret and they were uncomfortable while not paying attention to my personal needs". (Irq-3OMK-Micro-Syr-F-No.3).

As another affirms, "The protection system has changed and has become a special concern for marginalized groups, amendments have been made to laws, and safe havens have been provided." (Irq-1DGHY-Meso- F-No.1). It has also been found from interviews that all Syrian refugees who registered have been granted the status of "asylum seeker" because Iraq does not have a refugee law and does not grant refugee status except to political refugees according to the Political Refugees Law No. (51) of 1971. It was found that obtaining the asylum seeker document facilitates residence and the right of movement, as well as the right to live outside the camps.

One refugee also states, "The asylum application document helps us in granting residency in Iraq and in the event, I do not get it, I do not obtain residency and I cannot work or move, it is a proof of identity." (Irq-19EMS-Micro-Syr-M-No.19). The refugee says in the same context that most of those who applied for registration got enough information in a language they understand and most of the communication was done verbally because most of the applicants were Kurds or Kurdish speakers, and also that the investigators in the Kurdistan Region of Iraq used the same language for understanding. As for the duration of the procedures, most procedures took a few weeks or one to two months, with a few exceptions that lasted 6 months.

As one refugee says

After I entered the asylum procedures at the United Nations, I stayed five days at my relatives' house, they guided me to the asylum office in Erbil, filled out forms, submitted personal information, and presented information in a systematic way and received the asylum seeker document after two days." (MICRO-Syr-F-No.6Irq-6SHMH-).

Another refugee also confirms that "We registered for asylum in Domiz camp, and the asylum form was completed by the United Nations, and we were given a certificate of the status of asylum seekers directly, but the residence took a month" (14SHRO-Micro-Syr-F-No.14Irq -).

As another refugee indicated "I expected that when I arrive in Iraq, I will present my papers easily for immigration. In a matter of one or two weeks, I will get asylum and residency, but it lasted for three months." (17AFA-Micro-Syr-M-No.17Irq-).

The interviews also showed that most Syrian refugees did not prefer to return to their country even in the event that their application for asylum was rejected, due to the immense instability in Syria and the lack of opportunities. As one refugee says "If a negative decision is issued against us, I cannot return to Syria because of fear and because my children were young when I came." (Irq-26FAR-Micro- Syr-F-No.26). One refugee of military-age who left Syria to avoid serving in the Syrian Army said: "I think if my application was rejected I would have gone to any country except Syria", and he adds "I came for protection, not for the purpose of immigration." (Irq-20RKA-Micro-Syr-M-No.20) As another refugee says "I did not apply for asylum to a third country, nor did I submit anything for the future because I do not want to go to Europe, and I hope to return to my country if there are job opportunities "(Irq-6SHMH-Micro-Syr-M-No.6) while a female refugee confirms ." If there is a negative decision regarding our asylum and the hope is lost, I will return to Syria." (Irq-27RHH-Micro-Syr-F-No.27)

Likewise, some people were being recruited into the armed Kurdish factions in northeastern Syria, as one said "and if the situation improves in Syria we will return" and he adds, "because of the recruitment by the compulsory groups (YPG), which are Kurdish forces loyal to the regime in Syria, who have immigrated to Kurdistan Iraq, "and also indicates "we did not plan to seek asylum or immigration, but the circumstances led us to that, which is the recruitment of my three brothers (Irq-14SHRO-Micro-Syr-M-No.14). A refugee who has eight daughters said that "we decided to take refuge in Iraq, especially after we heard rumors of recruitment of girls within the Kurdish organizations which happened after we moved to Iraq." (Irq-21PFM-Micro-Syr -M-No.21).

5.4 The role of non-state actors in security

It was evident from fieldwork that non-state actors played a limited role in specific matters, especially related to interference in the security issues, while they had a positive role in other issues, such as providing in-kind and logistical assistance. The team of researchers found that most Syrian refugees did not obtain legal advice from individuals or humanitarian or legal

NGOs, as was previously mentioned, and that many of them even hired private lawyers to follow up on their cases. One Syrian refugee says, "I have completed residency through the attorney at the residency center on 100th Street, after the tourist visa I came in which I also obtained through the attorney has expired." (Irq-1HFK-Micro-Syr-M-No.1)

However, the team noted that there are organization contracted by the UN in the KRI to work on the issue of registration and maintaining databases of Syrian asylum seekers. Organizations such as the Swedish Qandil Organization work on providing registration support services to asylum seekers. One refugee says

I performed registration procedures in Qandil, which presented me with the application form, and that this organization is responsible for registering Syrian refugees, that the registration process took place after I contacted the organization and set an appointment for me after one month from the call, and after four months, my family joined the registration application, and the procedures were completed within four months. (Irq-3OMK-Micro-Syr-M-No.3)

As for the distribution of aid, most organizations focused more so on providing material support to refugees such as tents, water, food and construction material than in less tangible support such as childcare, education, language courses, etc. . As confirmed by one interviewee (

We participate in leading three aspects: protection, coordination and management of camps, shelters, and basic relief materials, and we also participated in leading a cash working group that aims to provide people with cash to meet basic needs. Irq-2KWV-Meso-F-NO.2)

In light of this, one interviewed refugee says "I received from the organizations 280,000 dinars per child in school as an annual aid." (Irq-6SHMH-Micro-M-NO.6). One refugee confirms "My brother helped us with housing, and the UN refugee agency provided us with tents." (Irq-12GAB-Micro-F-NO.12). The refugee says

I needed housing in the beginning and lived in an apartment in a motel, and after two and a half months I found work that no organization helped with, No organization provided us with any help but after nine months we obtained from the Hammurabi Organization for Human Rights a relief quota that includes detergents, and then after that, the Qandil Organization gave us cash of some 465,000 Iraqi dinars. (Irq-1HFK-Micro-Syr-M-No.1)

Elsewhere, the refugee notes

An organization whose name I do not know came and built two rooms for us. They gave us 600 blocks, and we had 400 blocks, and they gave us a ton of cement. We also provided a ton and a half of sand, doors and windows. They did not give us

everything. We complete what they couldn't. I am satisfied, praise be to God. (Irq-15LYA-Micro-F-NO.15)

When it comes to housing, most Syrian refugees still reside in camps. As one refugee claims, "We lived two years in a tent, and then in the camp we built a two-room house, bathroom and kitchen at our expense, and we do not pay rent or water or electricity bills, but in the beginning we rented and paid money and I am now comfortable and happy." (Irq-11SHFH-Micro-Syr-F-NO.11). Another says: "My place of residence is the camp and I do not pay rent. I am neither happy nor comfortable in my residence; I prefer to leave this place if opportunities become available." (Irq-19EMS-Micro-Syr-M-NO.19)

As for those who preferred to live outside the camps, they depended on themselves, their relatives, or locals to help them find a place to live, and most of them had to pay rent. One confirms: "I had a small amount of money, I was looking for a place to stay using housing offices, and I did not get support from organizations in this regard". (Irq-1HFK-Micro-Syr-M-No.1)

Refugees outside the camps rarely received assistance to support them to pay rent from organizations, families or other people. A refugee says: "No one helped me, I pay a rent of 200,000 Iraqi dinars per month, and I also pay the electricity fee and the costs of the generator which is paid separately." (Irq-21PFM-Micro-Syr-F-NO.21)

5.5 Family Unification

The issue of family reunion is multifaceted. One element of this issue deals with family reunion inside Iraq, and another element deals with uniting refugees inside Iraq with their relatives outside of the country. . Syrians who entered Iraq alone were not legally entitled to family unification, as the law permits in Europe, for example. The rest of the family members must join their relatives in Iraq by entering the country the same way that those who preceded them entered, after they were provided with the information required to enter Iraq, and some have resorted to joining their families by using various illegal methods of crossing the border.

One refugee recalls how she and her children reunited with her husband in Iraq. She says: "My husband came 8 months before me to Iraqi Kurdistan," and she added: "I joined him through Al-Qamishli and with my three children crossing the border on foot" adding: "it was my husband who gave me the full information about the trip". (Irq-13SAA-Micro-Syr-F-No.13)

With regard to the reunification of Syrian refugees with relatives outside the country, a few refugees had relatives abroad who advocated for their reunification because family unification in Europe is offered to the refugees once they obtain residency or citizenship. Most Syrians have relatives who arrived in Europe for a period too short to qualify for residency or citizenship.

One refugee says: "my son took refuge in Turkey by sneaking into the country, and from there one of the organizations helped him to go to Greece and from there to Germany three years

ago, but he does not have German citizenship, so he cannot ask for family reunification." (Irq-26FAI-Micro-Syr-F-No.26)

Others have expressed that some who arrived in Europe were affected by individualism and did not care about their families or relatives living in the homeland. Also, a refugee says: "I have a brother in Belgium who lived there for three years, and I asked him for family unification. He said that it is difficult to do family unification, and he is married and has a family and children there." (Irq-22MAR-Micro-Syr-M-No.22)

One recalls "those who arrived at the diaspora do not think about us nor give any attention to the procedures of family reunification" as they affirm "despite having a sister and cousins and aunts in Britain, Norway, Belgium and Germany, and some of them got married in Iraq and went there, no one tried to reunite us because those who leave do not look behind them." (Irq-21PFM-Micro-Syr-F-No.21)

5.6 Detention, Deportation, Return, and Exposure

No Syrian refugee faced arrest or detention because of their arrival in Iraq, but a few have been subjected to deportation from the borders and have been denied entry by security forces due to their ethnicity or because they did not speak Kurdish. As one refugee states "I was not subjected to any deportation procedures or any problems and I was not subjected to detention." (Irq- 8ABA-Micro- Syr-M-No.8) Also, one refugee asserts "there was no decision to deport or forced return, and I was not subjected to detention or arrest." (Irq-17AFA-Micro-Syr-M-No.17). Another says "no attempt has been made to deport me from Iraq, but my husband has been expelled from Saudi Arabia due to work issues" (Irq-2AFSH -Micro-Syr-F-No.2).

One refugee says "On the border people who had come more than once were sent back, meaning they came to Iraq and then returned to Syria and then tried to return to Iraq, these people were sent back. We did not face This problem because we came for the first time." (Irq-15LYA-Micro-Syr-F-No.15)

One refugee, who is of Kurdish origin, asserts, "On the borders, only Arabs were sent back, there was an Arab travelling with me but they did not allow him to enter. He did not speak Kurdish." (IRQ-20RKA-Maker-Sir-M-No. 20)

Iraqi laws emphasize the importance of voluntary return, and do not allow the coercion of refugees back to their homes. The team did not find through out their interviews that there were any cases of deportation of Syrian refugees by Iraqi authorities.

6- Examples of positive national practices

Iraq is one of the signatories of most major international agreements related to refugee protection and it has its own national law on political refugees (51) of 1971, but because of its definition of a refugee it does not conform to a large extent with international standards.²⁹

²⁹ WP1 Report, refugee definition in Law 51 of 1971

Iraq has welcomed refugees in the past and continues to do so currently, as Palestinian refugees, for example, are treated like every day Iraqi citizens in terms of rights, protection and safety, ownership, housing, education, movement, and getting documents. Although the new law of residence in 2017 limited their rights the decisions and recommendations of the government is working to remove these restrictions.

One of the national practices that warrants reference is that Iraq, despite the absence of a special law on refugees, committed not to carry out forcible returns or deportation of refugees to their countries in an involuntary manner³⁰, especially since Iraq does not carry out deportation as long as the refugees' behavior and practices do not threaten the regime's stabilization and the security of the country.

The field work concluded, by meeting the refugees themselves and the organizations working in this field, that there is no deportation or forced return of refugees, and this records a positive success story in the nature of Iraq's treatment of the refugee situation.

7- Internally Displaced Persons (IDPs) Situation

There are similarities between the conditions of Iraqi IDPs and Syrian refugees. Both groups experienced a loss of security and a desperate search for safe haven from terror groups. According to the statistics of the Iraqi Ministry of Immigration, a total of 5.5 million Iraqis were forced to leave from the northern and western provinces of the country (Nineveh, Kirkuk, Salah

³⁰ The principle of non-refoulement referred to in many of the international conventions on refugees or international human rights law has today become an international norm and commitment as it does not require the state to be a party to the 1951 convention.

al-Din, Anbar, Diyala, the outskirts of Baghdad and parts of Babil Governorate) after ISIS took control of these areas in mid-2014.

The situation of the Iraqi IDPs is complicated and their protection problems are complex. Many of them suffered from the brutality and savagery of ISIS who occupied their areas, and some of them suffered from the persecution of the security and armed forces on the pretext of their children's association with this terrorist organization. Once they were perceived to have familial ties to ISIS, suspicions continued to circulate around them, which led to treatment of injustice and cruelty in addition to the harshness of nature. The extreme weather conditions of summer and winter caused much suffering as well. Also, some of them experienced displacement multiple times across different regions of Iraq, as was confirmed by the representative of the UNHCR in Iraq, Bruno Guido.

In mid-September 2018, there was a second wave of displacement for thousands of IDPs from their areas of residence to the displacement camps once again across different parts of Iraq. There are one million and nine hundred thousand IDPs, many of whom will not be able to return to their homes soon and aid must be provided to them.

The United Nations Children's Fund (UNICEF) has confirmed that more than 151,000 displaced Iraqi children have been exposed to harsh environmental conditions and that their lives are at risk due to the cold, low temperatures and floods in the winter and to the harsh hot weather in the summer, especially since most of the displaced families live below the poverty line in dilapidated housing that lacks heating or in camps that do not protect them from the cold³¹.

The suffering of the displaced in Iraq did not end even after the terrorist organization ISIS was eliminated in 2017 and expelled from the areas it occupied, despite the return of more than 3 million displaced people to their homes after the area was liberated. According to UN and other reports issued by committees in the Iraqi Parliament, there are approximately 1.8 million displaced Iraqis who have not returned to their homes for many reasons, including:

- Armed forces taking control of approximately 16 cities and towns and stopping their return under various pretexts and excuses, such as Jurf Al-Sakhr, Al-Owaisat, Yathrib, Baiji, Karagol, and other regions.
- There is widespread destruction in some liberated areas, some of which have been reduced to ruins.
- There are tribal problems that await thousands of IDPs (meaning revenge and compensation) in the event of their return due to the affiliation of one of their members to ISIS.

Mr. Jasim Al-Attayah, Undersecretary of the Ministry of Displacement and Migration in Iraq, said to Anatolia Agency that there are about 500 thousand displaced people living in the camps spread throughout the country, in addition to about 700 thousand displaced people who are still in cities outside the camps³²

31- Jasim AL- Shammari, Iraqi IDPs are two sides of the same coin. [https:// www.syria.tv](https://www.syria.tv)

32 - [https:// www.aa.com.tr](https://www.aa.com.tr) 29/04/2019

According to the data of the Joint Coordination Center (JCC), the displaced are distributed as follows:

- 40% displaced are Sunni Arabs
- 30% Yazidis
- 13% Kurds from the disputed territories
- 7% Christians
- 10% other minorities³³

The condition of the remaining displaced Iraqis can be described as between a hammer and an anvil, either living under miserable and harsh conditions in the camp, or returning to their homes to realities without security, destroyed infrastructure and in fear of ISIS sleeper cells. .

7.1 The Implementation of IDPs Protection.

Through the field work accomplished by the team of researchers, the team found that most of the internally displaced people were displaced from their areas of origin because of violence that occurred in their areas or because of armed conflicts, so they went to other areas that are safer for their lives and their children and that very few were displaced for economic and social reasons. A number of internally displaced persons were exposed to displacement more than once due to the eruptions of violence into areas they had taken refuge in at first. For example, a female displaced says

After the incident of storming the Church of Sayedet Al-Najat in Baghdad at the end of October 2010, and my brother's kidnapping on the way between Baghdad and Sulaymaniyah, and his liberation by paying a ransom, the fear of staying in Baghdad increased, so I moved my job to Hamdaniya in Nineveh Plain that I chose because it was safe at the time and my family and relatives were there, but I was displaced again from Hamdaniya to Ankawa in Erbil, after ISIS invaded Hamdaniya in August 2014. (Irq-1REB-Micro-IDPs -F-No.1)

In the same context, as one displaced says,

I was displaced from the city center of Mosul at the beginning of 2010 because of our exposure to threats by placing an envelope and in it a threatening message from Islamic extremist armed groups asking us to participate in Jihad, where they were facing the American forces, asking to pay a tribute of (\$4000) for being Christians, and they described the place of ransom delivery, we did not have the amount, but we collected it from relatives, it was delivered in the required place. (Irq- 2NYM-Micro-IDPs -M-No.1)

Another displaced person adds "I moved to Ankawa in Erbil because it is safer and closer to Mosul and for the presence of friends and relatives, after a while we returned to Mosul after a relative calm, but we were displaced again on 18/7/2014 after ISIS entered Mosul". (Irq- 2NYM-Micro-IDPs -M-No.1).

33 -<https://www.arabic.rt.com>. 20/08/2019

Another IDP from Ramadi says

We stayed in Ramadi until ISIS entered and left our area (Kabisa, a tribal rural area) due to the violence, we moved to Erbil in Diana, and stayed there for two months, after that my daughters, who were displaced from Mosul due to ISIS invasion, joined us, we were displaced again to Baghdad, and stayed at a school for 6 months in Baghdad, and then we moved to the camp for the displaced in Zayouna, Baghdad. (Irq- 6KHT-Micro-IDPs -M-No.6)

The research team noted that most of the IDPs interviewed obtained a legal protection by being registered as IDPs with the Ministry of Migration and Displaced which is the only official body that has the authority to grant Identification for IDPs and is also concerned with paying the financial benefits arising from each case of displacement, and in this context one displaced says "I have an IDP with my family received a displacement grant (one million) dinars from the Ministry of Migration and Displaced". (Irq- 7MHA-Micro-IDPs -M-No.7)

One displaced person says,

My legal status has been displaced after I attend the Ministry of Migration and Displaced I was given the identity of a displaced person in Sulaimaniyah, and as a result I have a valid residence, and for that I have the right to work." (Irq-12SFGH-Micro-IDPs-M-No.12). Another IDP says, "I am a registered IDP and I have an ID for IDPs and was granted one million dinars, some of us did not receive it because their names did not appear in the list of the Ministry. (Irq-13DEE-Micro-IDPs -M-No.13)

A displaced person confirms "My legal status is displaced and I have IDs, officially registered and there is no opposition to work." (Irq-15ASH-Micro-IDPs -M-No.15). In terms of support and humanitarian assistance to the displaced, it became clear through field work that the level of assistance for displaced was highest amongst those who resided in camps, while those who live outside camps did not receive sufficient support, neither psychological, legal, nor humanitarian, Local and international civil society organizations, as well as families, played an important role in assisting the displaced, and religious institutions had a clear role in assisting the displaced, especially the churches in the Christian areas, the Husseiniyas, and the mosques in Muslim areas.

One female IDP says: ,

The situation was indescribable as families on the street, in unfinished homes and in gardens, the church and clerics had a positive role, families were embraced in churches and schools and fed the displaced collectively. The nuns also had a role, as well as donations from civil organizations and medical aid from Lebanese and Iraqi organizations, as well as from churches. (Irq-1REB-Micro-IDPs -F-No.1)

Another displaced person says,

The main institutions that helped us were Hammurabi Human Rights Organization and the Ministry of Migration and Displaced and we did not receive any assistance from international organizations knowing that civil organizations had an important role to help the displaced people, especially the poor ones, who do not have the financial means and who left their properties in their areas of origin. (Irq- 7MHA-Micro-IDPs -M-No.7)

Also, one displaced emphasizes,

Yes, we got in-kind assistance, food and health supplies only and we got oil from the local government, and we did not get any other help. The role of the organizations is a different role because they focused on the camps without IDPs, who are homeless and live in slums or home structures, it is incomplete because they needed more than that. (Irq- 23NSR-Micro-IDPs -M-No.23)

While another displaced person confirms,

We got help from local and international organizations such as ACN, Hammurabi Human Rights Organization, Assyrian Charitable Society, Salt and ACTED Organizations, but now all organizations aid has stopped after the liberation of Mosul, yes, the organizations helped the displaced to provide services they need and played a major role in the relief of the displaced, including the churches as well, while the government services were not integrated. (Irq- 20WNZ-Micro-IDPs -M-No.20)

One female displaced said: "we got help from UNHCR, as some of the caravans were given and fences, garbage containers, and fire extinguishers, as well as from Seven Sanabel Organization, a national organization that played a good role and provided assistance to the displaced". (Irq- 26TNA-Micro-IDPs -F-No.26)

Another displaced person confirms,

After we migrated to Latifiya and settled there, Hammurabi Human Rights Organization came and supported us with relief assistance. As for the local government in Latifiya, they not help us, there are medical services that provide us and generally the services are weak, even though I have the right to obtain it from the state, we still had to buy medicines and we did not receive any legal aid. (Irq- 8BSHH-Micro-IDPs -M-No.8)

8. Conclusion

Although Iraq has not joined the 1951 International Refugee Convention and its 1967 protocol, it has signed all international agreements, declarations, and human rights instruments regarding Human Rights. Therefore, asylum procedures related to refugee protection are based on Iraq's international obligations related to respect for human rights, while Iraq has no refugee law other than Political Refugees Law No. 76 of 1971 and the Ministry of Immigration and Displacement Law of 2009. Although Iraq is keen to fulfill its international obligations, the absence of a law for

refugees in Iraq and its failure to join the International Refugee Convention generates a disruption in providing protection for refugees and asylum seekers.

The fieldwork with the refugees revealed the practices, procedures and challenges to providing protection. It also revealed that the protection system needs reform, as most Syrian refugees in Iraq prefer to resettle in third countries if they have the opportunity and sufficient support due to their fear of the political and security instability in Iraq. Also, the absence of a law that guarantees them the rights of refugees and asylum seekers is problematic and inhibits their ability to work, have residency and enjoy freedom of movement

As for the rest of Iraq, there is no legal protection for Syrian refugees, and de facto refugees were poorly dealt with, as little support was provided to them, until 9 April 2019, when the National Security Council decided that the legal description of the Syrian refugees should be displaced from the Syrian border region and they were welcomed for humanitarian reasons.

Iraqi Ministry of Displacement and Migration continued the registration process for Syrian Refugees in coordination with the UNHCR and in coordination with the Kurdistan Regional Government in Iraq. The Ministry of Interior established a database to record biological information to coordinate with the Ministry of Interior in the Kurdistan Region of Iraq, provided that the Iraqi Ministry of Interior is granting temporary identification documents to them based on the Memorandum of Understanding between the Standing Committee for Refugees and the UNHCR.

The fieldwork also revealed the lack of desire among Syrian refugees to return to their country due to the continuing state of fear and security instability in Syria. In practice, there was a lack of adequate legal advice to refugees, a lack of translation services, the right to object to their status and decisions issued against them. In the same context, although there is respect for vulnerable groups and an interest in different social types, they need to legalize the provision of service to them, especially children, women, pregnant women, and the elderly.

In the absence of an integrated protection system, it was necessary to search for alternative types of protection and put in place mechanisms to promote the issue of family unification. In the framework of the work of the actors dealing with protection, besides the presence of more than one working body in the field of protection, whether at the governmental or non-governmental level or at the level of the work of local and international civil society organizations, there are many challenges facing these bodies represented by the weak level of coordination and division Work and cooperation between them, therefore requires the formation of working groups (Clusters) involving governmental and non-governmental bodies, and the development of mechanisms for cooperation and coordination between the federal government and the Kurdistan Regional Government, as well as coordination with local governments to ensure and strengthen mechanisms and ways of adequate protection.

9. Policy Recommendations

- Join the International Refugee Convention of 1951 and its amended Protocol of 1967.
- Expedite the legislation on refugees, based on the importance of isolating the humanitarian side of their situation from the political side, especially since the new proposed refugee law mentioned above which covers a wide area of refugees human rights, is still in the corridors of Parliament, and there is still an opportunity to work on developing it.

- Create a comprehensive coordination framework between the agencies working in protection, whether between institutions of the federal government and those affiliated with the Kurdistan region of Iraq, or between local and international organizations, and forming joint working groups as previously mentioned.
- Work on unified legal frameworks related to managing refugee affairs and providing protection for them, with the unification of the authority concerned with migration and asylum, because currently the role of the Ministry of Immigration and Displaced Persons is limited to the humanitarian aspect, while the Permanent Committee for Refugees Affairs handles other technical matters, and this leads to disorganized efforts.

10. References

[1] Iraq does not treat Syrians residing in its territory as refugees or asylum seekers, but it considers them guests according to the directives of the National Security Agents Council and the Iraqi Ministry of Immigration to prevent any opportunity to resettle them in Iraq or grant them Iraqi citizenship in the future

[2] Horizon 2020, Respond, working Papers, Global Migration: Consequences and Responses, June 2018, p.365. www.respondmigration.com

[3] Ibid, PP. 369

- [4] Look at table number 2
- [5] Look at table number 3
- [6] The Arab Charter for Human Rights, the most recent version, University of Minnesota, the Library of Human Rights www.hrlibrary.umn.edu, also see, the Arab Charter for Human Rights issued in the series of publications of the National Commission for Human Rights, Doha, Qatar Sunna, p. 11.
- [7] The Universal Declaration of Human Rights, United Nations brochure on the 70th anniversary of the Universal Declaration of Human Rights, New York, 2017
- [8] There is no signature
- [9] A brochure in the series of publications of the National Commission for Human Rights, Qatar, Doha
- [10] Ashgabat Declaration, 2012 www.alanba.com.kw, published on 5/14/2012.
- [11] The Constitution of the Republic of Iraq, Fact Sheet / Iraqi Issue No. 2012, 28/12/2015.
- [12] Publication 12/23/2017, www.alsumaria.tv.
- [13] Horizon 2020, Respond Working Papers, Global Migration: Consequences and Responses, June 2018, p.377, www.respondmigration.com
- [14] Law of the Ministry of Immigration and Displaced, Article 2, 2009.
- [15] Star Nowruz, Director General of the Branches Department at the Ministry of Displacement and Migration, Roundtable Meeting, Baghdad, 12/15/2018
- [16] The proposed refugee law: It is the draft refugee law prepared by the relevant authorities in the Ministry of Immigration and Displaced and the Ministry of Interior represented by the Permanent Committee for Refugee Affairs in 2017, for organizing refugee rules and its provisions in Iraq to include all cases of humanitarian and political asylum due to persecution and threats based on race, religion or nationality or social affiliation, in line of the provisions of the Constitution of Iraq, international agreements and the enforcing laws with finding the relevant administrative structure, but this law has not been legislated until now. According to the letter of General Secretariat of the Council of Ministers, office of the Council of Ministers and Committees Affairs No. 041429 on December 28, 2017.
- [17] Sanaa Fadel Globe, UNHCR, round table meeting, Baghdad, 12/15/2018
- [18] Ibid, round table meeting, Baghdad, 15/12/2018
- [19] After 2003 and the collapse of Saddam Hussein's regime, Iranian refugees opposed to the Islamic Republic in Iran, who were present in Ashraf Camp in the Iraqi Diyala Governorate, were subjected to numerous harassment, were transferred to a camp near Baghdad airport, and were subjected to artillery shelling, and then they were transferred to Albania after the camp was closed
- [20] Muhammad Hantouk, Director of the Immigration Department at the Ministry of Displacement and Migration, round table meeting, Baghdad, 12/15/2018
- [21] Star Nowruz, previously cited
- [22] www.unhcr.org, February 2016
- [22] www.unhcr.org, February 2016
- [24] Interviews were conducted with Syrian refugees by the research team of the Respond Project in Iraq
- [25] Star Nowruz, previously cited
- [26] Law of the Ministry of Immigration and Displaced, 2009
- [27] Refugee interviews at the miso level
- [28] The 32nd meeting of the Iraqi Council of Ministers on 24/7/2012
- [29] Meeting with a member of the Standing Committee for Refugees
- [30] For more details, see Appendix No.
- [31] Muhammad Sahib Majeed, interconnectedness in human rights issues in the three councils: the Security Council, the Economic and Social Council and the Human Rights Council. Ministry of Foreign Affairs, Institute of Foreign Service, 2017, p.84-85

[32] Previous source, p.84-85

[33] WP1 Report, refugee definition in Law 51 of 1971

[34] The principle of non-refoulement referred to in many of the international conventions on refugees or international human rights law has today become an international norm and commitment as it does not require the state to be a party to the 1951 convention

[35] Jasim AL- Shammari, Iraqi IDPs are two sides of the same coin. [https:// www.syria.tv](https://www.syria.tv)

[36] - [https:// www.aa.com.tr](https://www.aa.com.tr) 29/04/2019

[37] -<https://www.arabic.rt.com>.20/08/2019

11- Appendix

Table.2 The actual interviews for Syrian refugees:

2014-2017 Arrival Date	2011-2014 Arrival Date	Ethnic Religious Minorities	Female No.	Male No.	Interviews #	Province
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5	1	2	3	3	6	Baghdad
5	1	2	4	2	6	Erbil
6	1	3	3	4	7	Dohuk
3	1	2	2	2	4	Sulaimaniya
2	-	-	1	1	2	Najaf
2	-	-	1	1	2	Babel
2	-	-	1	1	2	Karbala
25	4	9	15	14	29	Total

The actual interviews for Syrian refugees:

Refugees by age group are divided into three categories according to the above table data

(18-38years), (9) male interview, (8) female interview.

(39-59 years), (5) male interview, (4) female interview.

(60 - More) (2) male interview, (1) female interview.

Table.3 The actual interviews for IDPs

Province	No. of Interviews	Male .No	Female .No	Ethnic Religious Minorities	-2011 2014 Arrival Date	-2014 2017 Arrival Date
Baghdad	6	3	3	2	1	5
Erbil	6	2	4	2	1	5
Dohuk	7	4	3	3	1	6
Sulaimaniya	4	2	2	2	1	3
Najaf	2	1	1	-	-	2
Babel	2	1	1	-	-	2
Karbala	2	1	1	-	-	2
Total	29	14	15	9	4	25

IDPs by age group are divided into three categories according to the above table data

(18-38 years), (5) male interview, (6) female interview.

(39 - 59 years), (6) male interview, (8) female interview.

(60 - More) (3) Male interview, (1) female interview.

Table.4. Other agreements on Human Rights and Iraq's position on them

International Bill of Human Rights				
	The name of the agreement	Date of entry into implementation	Iraqi position	Notes
1	United Nations Charter 1945			State party
2	The Universal Declaration of Human Rights 1948			Formally adopted and issued by the General Assembly resolution 217 thousand (D - 3) of 10 K 1 1948
3	International Covenant on Economic, Social and Cultural Rights 1966	1976/1/3	Ratification / Law No. 193 of year 1970	Iraq's reservation to it does not signify formal recognition of Israel
4	International Covenant on Civil and Political Rights 1966	1976/23/3	Ratification / Law No. 193 of 1970	Iraq's reservation to it does not signify formal recognition of Israel

Instruments related to racial discrimination				
	The name of the agreement	Date of entry into implementation	Iraqi position	Notes
1	United Nations Declaration on the Elimination of All Forms of Racial Discrimination 1963	Approved and published in public under General Assembly resolution 1904 (D-18) of 20 November 1963
2	International Convention on the Elimination	January 4th / 1969	Ratification / Law No. 135 of 28/8/1969	Reservation-1 to Article 22 regarding

	of All Forms of Racial Discrimination 1965			approval of the mandatory jurisdiction of the International Court of Justice, and joining it does not imply official recognition of . Israel Iraq joined-2 the amendment of Article 8 of the Convention under Law 35 for the year 2001
3	The International Convention for the Suppression and Punishment of the Crime of racial segregation (Apartheid) 1973		Ratification / Law No. 92 of 1975	Reservation does not mean joining it formal recognition of Israel
4	International Convention against Apartheid in Sports		Ratification / Law No. 48 of 1989	And joining it does not mean formal recognition of Israel

Instruments related to crimes against humanity				
	The name of the agreement	Date of entry into implementation	Iraqi position	Notes

1	Statute of the International Court of Justice 1945			Not a party
2	Convention on the Prevention and Punishment of the Crime of Genocide, 1948	k 2/1951 /12	Joined 9 / k 1/1948 and ratified in 1959	State party

Instruments related to the right to physical and environmental safety				
	The name of the agreement	Date of entry into implementation	Iraqi position	Notes
1	Declaration to protect all persons from torture and other cruel, inhuman or degrading treatment or punishment			
2	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1987/6/26	Iraq 's accession by Law No. 30 of 2008	State Party
3	WHO Framework Convention on Tobacco Control 2003		Iraq ratified in accordance with Law No. 17 of 2007
4	Vienna Convention and Montreal Protocol for the Protection of the Ozone Layer	And the Montreal protocol was implemented 1/January/1989 as amended at the eleventh meeting	Iraq has acceded according to Law No. 42 of 2007	

	1985	of the parties on 1999		
5	United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988		Iraq has acceded according to Law No. 23 of 1996	
6	Convention on Biological Diversity 1992		Iraq has acceded according to Law No. 31 of 2008	

the year	The number	
2014	5	Law on the accession of the Republic of Iraq to an agreement banning or restricting the use of certain conventional weapons that may be considered excessively injurious or indiscriminate in effect and the protocols annexed thereto
2014	111	Law of Iraq joining the agreement on the physical protection of nuclear materials
2015	10	Law ratifying the amended agreement for Arab cooperation in the field of organizing and facilitating relief operations
2015	14	Law ratifying the agreement in the field of environmental protection between the government of the Republic of Iraq and the government of the State of Kuwait
2015	15th	Law on the accession of the Republic of Iraq to the Protocol to Eliminate Illicit Trade in Tobacco Products
2015	45	Law on the accession of the Republic of Iraq to the Stockholm Convention on Organic Pollutants

2015	33	The Law of Ratification of the Republic of Iraq to Amend the Unified Agreement for the Investment of Arab Capitals in the Arab Countries for the year 1980
2015	12	Law on the accession of the Republic of Iraq to the Agreement on the Promotional Framework for Occupational Safety and Health
2015	24	Law on the accession of the Republic of Iraq to the Agreement on the Promotion, Protection and Guarantee of Investments among the Member Countries of the Organization of Islamic Cooperation
2015	23	Law on the accession of the Republic of Iraq to the United Nations Convention on the Immunities of States and Their Property from Jurisdiction