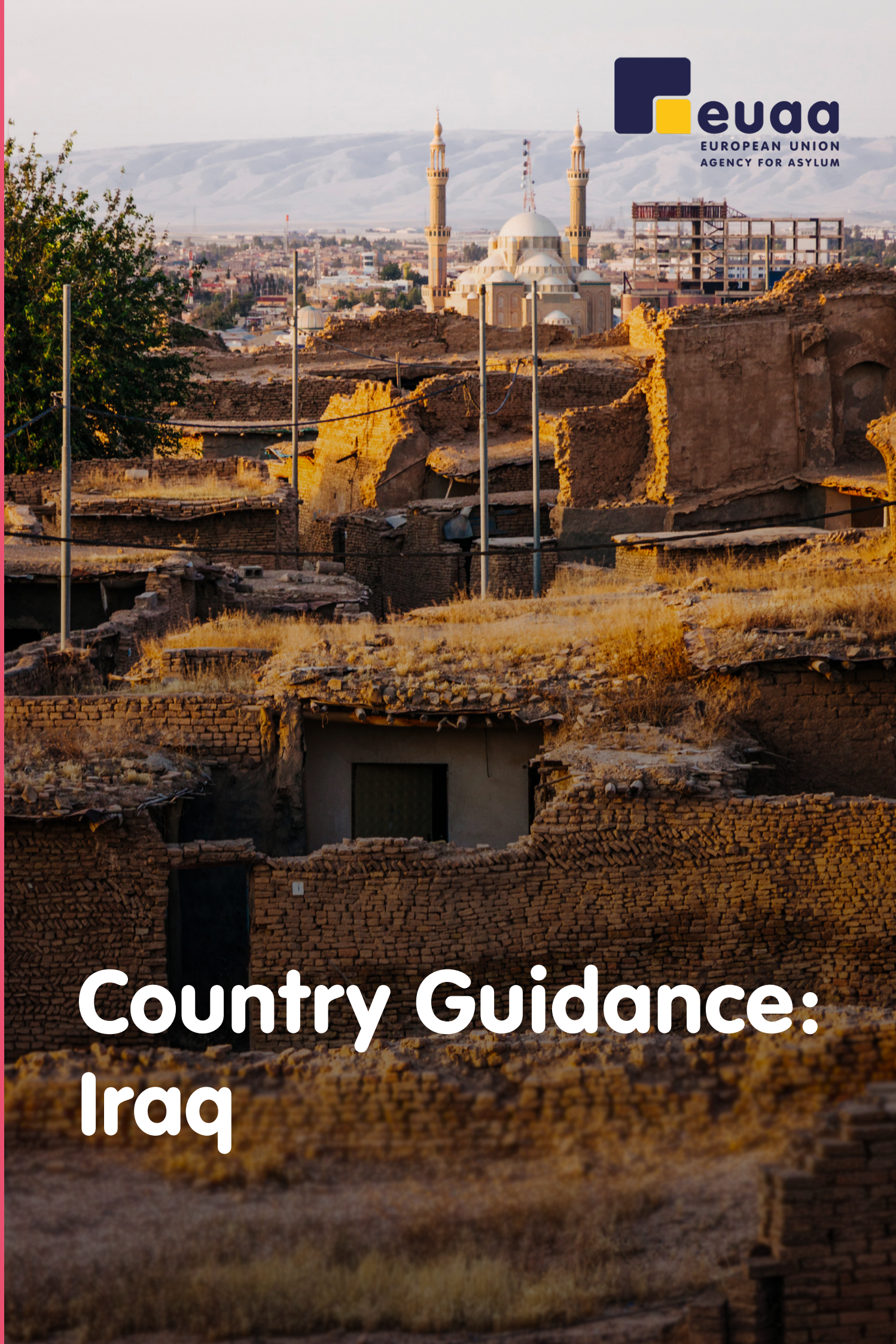
Country Guidance



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EUROPEAN UNION
AGENCY FOR ASYLUM

Country Guidance: Iraq

November 2024

EUROPEAN UNION AGENCY FOR ASYLUM

Country Guidance: Iraq

Common analysis and guidance note

November 2024

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Introduction

The country guidance documents provide country-specific common analysis and guidance in relation to the assessment criteria established in the recast Qualification Directive (QD)([1]) and in the newly adopted Qualification Regulation (QR)([2]), which will repeal the QD with its entry into application on 1 July 2026. They are developed by the EUAA together with a network of senior-level policy officials from EU+ countries and represent their joint assessment of the situation in main countries of origin, in accordance with current EU legislation and jurisprudence of the Court of Justice of the European Union (CJEU). The European Commission and UNHCR also provide valuable input in this process.

The aim of the country guidance documents is to assist decision-makers and policy-makers in their daily work and to foster convergence in the assessment of applications for international protection and the type of protection granted in the context of the Common European Asylum System.

The development, review and update of country guidance is regulated under Article 11 of the EUAA Regulation.

In accordance with Article 11(3) EUAA Regulation, Member States have the obligation to take into account the common analysis and guidance notes when examining applications for international protection, without prejudice to their competence to decide on individual applications.

This common analysis is based on country of origin information (COI) covering the period January 2022 – March 2024 regarding the targeting of selected profiles and February 2023 – March 2024 regarding the security situation in Iraq and the key socio-economic indicators for Baghdad and Sulaymaniyah. Some additional information on major political, security, human rights, socio-economic developments covering April – July 2024 has also been reflected. Each section of the country guidance documents also clearly states the timing of its last update.

The analysis and guidance in this document should be considered valid as long as current events and developments in the country fall within the trends and patterns described within the COI on which the assessment at hand is based on.

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

([1]) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast).
([2]) Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council.

Common analysis, guidance note and methodological approach

The country guidance document consists of two components: the guidance note and the common analysis. These two parts focus on the situation in the country of origin and provide analysis and guidance on the assessment of relevant international protection needs.

Guidance note

The guidance note is the first part in the structure of the document.

It outlines the key conclusions of the common analysis in a light user-friendly format.

Common analysis

The common analysis is the second, more detailed, part. It analyses the available COI and provides guidance in accordance with the applicable legislation, relevant jurisprudence and general guidance.

They should be read in conjunction with the separate document 'Country Guidance: explained'([3]).

This document outlines the general guidance relied upon in this analysis, as well as the methodological framework, approach and indicators used to assess the different elements of qualification for international protection.

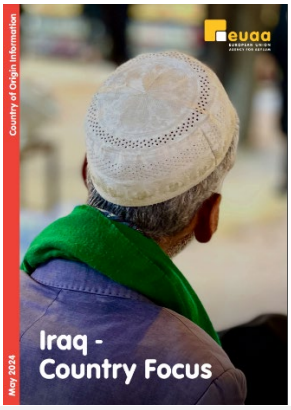
([3]) At the time of writing, the adoption of a new approach regarding the incorporation of COI in the legal analysis has not yet been reflected in the 'Country Guidance: explained' (January 2023).

Scope of this update

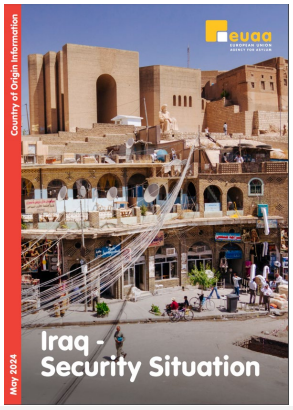
The current version of the guidance updates and supersedes the 'Country Guidance: Iraq' (June 2022). This update focuses mainly on the potential protection needs of specific profiles, e.g. persons perceived to be affiliated with ISIL (see 3.1. Persons perceived to be affiliated with ISIL), journalists and media workers (see 3.4. Journalists and media workers), religious and ethnic minorities (see 3.10. Religious and ethnic minorities), women and girls (see 3.11. Women and girls), children (see 3.12. Children), the section on Article 15(c) QD/QR (see 4.3. Article 15(c) QD/QR: indiscriminate violence in situations of armed conflict) under the subsidiary protection chapter, as well as the internal protection alternative (see 6. Internal protection alternative) chapter.

A new approach regarding the incorporation of COI in the legal analysis has been adopted in this document and the majority of sections have been restructured to reflect this approach. This should not be construed as validation of the COI and assessment included in all sections. Please refer to the indication 'Last update: ...' found at the beginning of each section in order to identify when the analysis and guidance were last reviewed and updated.

This update is based on the following recent COI:



Country Focus 2024
EUAA COI Report: Iraq - Country Focus (May 2024)



Security Situation 2024
EUAA COI Report: Iraq - Security Situation (May 2024)

Arab tribes and customary law
EUAA COI Report: Iraq – Arab tribes and customary law (April 2023)

COI QUERY

Country of Origin	IRAQ
Title	Major political, security, human rights, socio-economic developments
Reference period	1 April to 31 July 2024
Topics	1. Political situation 2. Security situation 3. Human rights situation 4. Socio-economic situation
Date of completion	22 August 2024
Query Code	QSI-2024
Contributing EUAA COI units	N/A

Disclaimer

COI Update 2024
EUAA COI Query Response: Iraq - Major political, security, human rights, socio-economic developments (August 2024)

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

To access EUAA COI reports, visit https://euaa.europa.eu/coi-publications.

Guidance note

Last update: November 2024

The current version of the document supersedes the one issued in June 2022.

The guidance note on Iraq is produced by the European Union Agency for Asylum (EUAA) together with EU+ countries ([4]) in accordance with Article 11 of the EUAA Regulation ([5]). It is based on and summarises the conclusions of the comprehensive common analysis. The aim of the guidance note and the common analysis is to assist EU+ countries in the examination of applications for international protection, thereby fostering convergence of asylum practices and decisions across the EU.

Where not specified otherwise, the analysis and guidance refer to Iraq as a whole, including the Kurdistan Region of Iraq (KRI) and the disputed territories.

The guidance note is part of the 'Country Guidance: Iraq' and should be read in conjunction with the Common analysis.

In Iraq, a wide range of groups and individuals can be considered as actors of persecution or serious harm, in particular the Iraqi Federal State actors, the Popular Mobilisation Forces (PMF), the Kurdistan Regional Government (KRG) and the Islamic State of Iraq and the Levant (ISIL). Members of tribes or even family members, as well as criminal groups can also be perpetrators of human rights violations. The Kurdistan Worker's Party (PKK) and foreign armed forces have also engaged in conflicts with impact on civilians. See Actors of persecution or serious harm.

Among the most commonly encountered profiles of applicants for international protection, the following would be **highly likely to qualify for refugee status**:

- Persons with diverse SOGIESC (also referred to as LGBTIQ persons)
- Converts from Islam
- Journalists and media workers engaged in critical reporting on controversial political or other sensitive issues or seen as criticising government officials
- Individuals with perceived ISIL affiliation (exclusion considerations are particularly relevant for this profile)

Further guidance is provided on the **risk-impacting circumstances** which may affect the probability of granting refugee status for the following profiles such as:

([4]) The assessment and guidance reflect the conclusions of the EUAA Country Guidance Network, which consists of EU Member States, Iceland, Norway and Switzerland. The guidance note has been endorsed by the EUAA Management Board.
([5]) Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010.

- Human rights and political opposition activists, protesters and other perceived critics of the authorities
- Other Journalists and media workers
- (Perceived) collaborators of Western armed forces, organisations, or companies
- Family members of individuals with perceived ISIL affiliation
- Sunni Arabs
- Individuals perceived to transgress moral codes
- Individuals considered to have committed blasphemy and/or apostasy, including atheists (other than converts)
- Religious and ethnic minorities
- Women and girls
- Children
- Persons involved in and affected by blood feuds in the context of tribal conflict

For Persons living with disabilities and/or with severe medical issues the threshold of persecution would be reached in exceptional cases. For Individuals perceived to be opposed to ISIL, the threat posed by ISIL has decreased compared to previous years, however, personal circumstances are still to be considered.

If an applicant is not considered eligible for refugee status, Member States should proceed to consider the granting of **subsidiary protection**.

Article 15(a) QD/QR relating to the risk of death penalty or execution may be applicable when there is a reasonable degree of likelihood of death penalty or execution by the Iraqi State or execution by other actors, such as ISIL.

Article 15(b) QD/QR relating to the risk of torture or inhuman or degrading treatment or punishment may be applicable, such as in case of deliberate denial of or unequal access to healthcare or other basic services, arbitrary arrests and detentions, life-threatening prison conditions, and violent crimes.

With regard to subsidiary protection under Article 15(c) QD/QR:

- There are **no areas** in Iraq where the degree of indiscriminate violence reaches such an exceptionally high level that substantial grounds are shown for believing that a civilian, returned to the relevant area, would, **solely on account of their presence** there, face a real risk of being subject to the serious threat referred to in Article 15(c) QD/QR.
- Indiscriminate violence in situations of armed conflict reaches **a high level** in Amedi district (Dohuk governorate). Accordingly, a lower level of individual elements is required to show substantial grounds for believing that a civilian, returned to the area, would face a real risk of serious harm.
- In the governorates of Anbar, Baghdad, Diyala, Erbil, Kirkuk, Ninewa and Salah-al-din, indiscriminate violence is taking place, however **not at a high** level. Accordingly, a higher

level of individual elements is required to show substantial grounds for believing that a civilian, returned to the area, would face a real risk of serious harm.

- In the governorates of Dohuk (except Amedi district), Sulaymaniyah, Babil, Basrah, Kerbala, Missan, Muthanna, Najaf, Qadissiya, Dhi-Qar and Wassit, it is considered that there is in general **no real risk of serious harm** under Article 15(c) QD/QR.

When assessing the availability of state protection, either by the Iraqi State or by the KRG, individual circumstances, such as home area, ethnicity and gender, must be taken into account. When the Iraqi State or the KRG is the actor of persecution, as is the case for some profiles in Iraq, it is presumed that protection is not available. See Actors of protection.

Internal protection alternative (IPA) may be applicable in Baghdad and Sulaymaniyah, in accordance with Article 8 QD/QR. More specifically, the requirement of safety may be satisfied in these cities, depending on the profile and the individual circumstances of the applicant. The existence or possibility to obtain civil documentation is a crucial factor to consider in relation to the travel and admittance requirement as well as for the reasonableness to settle in the proposed area of relocation. Taking into account the ethno-religious background of the applicant, IPA in Baghdad and Sulaymaniyah would be reasonable for single able-bodied men and married couples without children, who have identification documents and have no additional vulnerabilities, including when they do not have a support network. In the case of families with children, internal protection alternative may be reasonable, including without a support network, where the best interests of the child have been duly assessed. Other profiles of applicants would in general need a support network in the area of potential IPA.

Finally, exclusion considerations may be relevant in a number of cases concerning applicants from Iraq, and in particular for Individuals with perceived ISIL affiliation.

Common analysis

1. Recent developments

Last update: November 2024

The information below is retrieved from the following EUAA COI report and query: Security 2024, 1.1, 1.2, 1.3.; COI Update 2024, 1, 2.1, 2.2; Country Guidance should not be referred to as source of COI.

Iraq's recent history has been characterised by a series of conflicts with political, ethnic and sectarian dimensions.

Since the end of 2022, the Government of Iraq is led by Prime Minister Mohammed Shia' Al-Sudani. The Iraqi Parliament is dominated by a coalition of political parties backed by Iran.

The political landscape in the Kurdistan Region of Iraq (KRI) has continued to witness the long-standing rivalries between the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). At the time of writing, elections, initially scheduled for October 2022, were still pending with a new envisaged date on the 20th of October 2024.

Kirkuk governorate as well as parts of Ninewa, Erbil, and Diyala governorates are disputed between the central government in Baghdad and the KRG. The situation of the so-called 'disputed territories' between the Government of Iraq and the KRG remains unresolved.

For most of 2023, Iraq experienced a phase of relative calm and stability. However, since October 2023, the country started experiencing the indirect effects of the Israel-Hamas conflict due to rising US-Iran tensions. The lack of cohesion between various security groups constitutes a persistent problem for the Iraqi government. The Iraqi government continued its battle against ISIL; however, large-scale military operations against the group have ceased.

International involvement in Iraq has been also reported. Türkiye's military operation against the PKK in northern Iraq has continued. In March 2024, the Iraqi National Security Council officially banned the PKK. In April, Turkish President Erdogan also met with the President and Prime Minister of Iraq and, among others, discussed greater cooperation on Türkiye's fight against the PKK. During what was deemed as 'a historic visit', Erdogan also met with Kurdish President Nechirvan Barzani and Prime Minister Masrour Barzani in Erbil.

Iran has significantly influenced Iraqi politics and has supported affiliated paramilitary groups in the country. Iran-backed militias have continued their attacks against US forces in Iraq. Furthermore, in March 2023, the Iranian and Iraqi governments signed a border security agreement, part of which was to disarm Iranian Kurdish opposition groups and move their camps further away from the border region.

The United States still maintain troops in Iraq, however, in July 2024, talks between the Iraqi and US administration about the continuance of their presence in the country, have resumed.

2. Actors of persecution or serious harm

Article 6 QD/QR

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

The following sections highlight the main actors of persecution and serious harm in Iraq as well as their areas of control/ activity, in a non-exhaustive manner.

The contents of this chapter include:

2.1. The Iraqi Federal State actors

2.2. Popular Mobilisation Forces (PMF)

2.3. Kurdistan Regional Government (KRG) authorities

2.4. Islamic State of Iraq and the Levant (ISIL)

2.5. Tribes

2.6. Other actors

2.1. The Iraqi Federal State actors

Last update: November 2024

The analysis below is based on the following EUAA COI reports: Security 2024, 1.4; Country Focus 2024, 1.1.1, 1.1.2, 1.1.3, 1.5, 1.6. Country Guidance should not be referred to as source of COI.

The Iraqi Federal State actors comprise both the armed security forces as well as non-armed state authorities. The Iraqi Security Forces (ISF) consist of military and security forces, including army's ground forces, the Counter Terrorism Service (CTS) and the Federal Police. The army's ground forces together with the CTS, reportedly comprise approximately 180 000 troops, while the Federal Police has about 36 000 troops. The Federal Police has been trained in anti-ISIL ground combat, leading to a focus on a more paramilitary role at the expense of traditional policing duties. PMF are also generally considered State actors, see 2.2. Popular Mobilisation Forces (PMF) .

During the reference period, the ISF conducted anti-ISIL operations in Kirkuk, Diyala, Anbar, Salah-al-din governorates and near Baghdad by carrying out airstrikes and engaging in clashes resulting in the killing of suspected ISIL militants.

The ISF have been involved in committing a wide range of human rights violations against different categories of individuals. For example, ISF have been reported to have conducted unlawful killings, forced disappearance, arbitrary arrests and detentions, torture, forced

confessions against individuals with perceived ISIL affiliation (see 3.1.1. Individuals with perceived ISIL affiliation). Individuals with perceived ISIL affiliation and their family members (see 3.1.2. Family members of individuals with perceived ISIL affiliation) were also prevented from accessing civil documents necessary to access basic services and were restricted in their freedom of movement. Furthermore, persons perceived as critical of the authorities, such as political activists, protesters and journalists (see 3.3 Human rights and political opposition activists, protesters and other perceived critics of the authorities) have been subjected to different forms of mistreatment. The Iraqi authorities have further used legal provisions to silence criticism or combat behaviours deemed indecent, while law enforcement officers have perpetrated violence with impunity towards persons with diverse SOGIESC (see 3.7. Persons with diverse SOGIESC).

2.2. Popular Mobilisation Forces (PMF)

Last update: November 2024

The analysis below is based on the following EUAA COI reports: Security 2024, 1.4; Country Focus 2024, 1.1.1, 1.1.3, 1.2, 1.6; Arab Tribes 2023, 6.1. Country Guidance should not be referred to as source of COI.

The PMF are an umbrella organisation consisting of many different militias. Most of the militias are Shia, however, there are also smaller militias made up of Sunnis or other minority groups. Some militia groups still exist outside the official PMF structure. Iraqi official reports indicate the number of registered PMF personnel to range between 204 000 to 238 000 but their actual number is believed to be higher. Tribal militias also exist, however, it has become hard to separate them from the PMF since they are deeply connected.

The PMF has continued their anti-ISIL operations while they have gradually expanded their influence over the Iraqi state. Although the PMF are legally a State institution, in practice they retain highly autonomous control and influence. The PMF are heterogenous in nature and maintain different alliances, with some prominent militias receiving orders from Iran. Internal rivalries within PMF ranks are still reported. Since the end of major fighting operations against ISIL, the PMF have dominated the security sector in the liberated governorates of Ninewa, Anbar and Salah-al-din. In the wake of the resurgence of the Israel-Hamas conflict a loose coalition of Iranian-backed militias, called Islamic Resistance in Iraq, emerged and began carrying out attacks on US personnel.

Members of the PMF have reportedly committed various human rights violations, such as unlawful killings, disappearances, revenge attacks, abuses and torture during arrests and pre-trial detention, against persons perceived to be affiliated with ISIL (see 3.1. Persons perceived to be affiliated with ISIL). PMF have also engaged in violence against ethnic and religious minorities (see 3.10. Religious and ethnic minorities). Furthermore, PMF and other militias have targeted individuals perceived to transgress moral or religious codes and have reportedly also committed other abuses, such as violence against protesters (see 3.8. Individuals perceived to transgress moral codes and 3.3. Human rights and political opposition activists, protesters and other perceived critics of the authorities). The involvement of the PMF in

criminal activities, such as smuggling goods and extortions, has been also reported (see 4.2.3. Criminal violence).

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

2.3. Kurdistan Regional Government (KRG) authorities

Last update: November 2024

The analysis below is based on the following EUAA COI reports: Security 2024, 1.4; Country Focus 2024, 1.1.1, 1.1.2, 1.1.3, 1.2, 1.2.1, 1.6. Country Guidance should not be referred to as source of COI.

The KRG authorities comprise both the Kurdish security forces and non-armed actors. In the KRI, the Peshmerga, the municipal police and the *Asayish* (intelligence agency) are the main security actors of the KRG. Approximately 54 000 Peshmerga form units commanded by the KRG Ministry of Peshmerga Affairs, while the larger force, about 100 000 troops, serve in units directly controlled by either the KDP or the PUK. The Peshmerga are also partly being deployed outside the KRI, in the disputed territories.

Kurdish security forces continued to carry out anti-ISIL operations independently as well as in coordination with the ISF. Some armed clashes between the Peshmerga and the ISF over disputed territories were still reported.

The KRG forces have been accused of committing a wide range of human right violations such as arbitrary arrests, enforced disappearances, torture and other forms of ill-treatment of individuals with perceived ISIL affiliation (see 3.1.1. Individuals with perceived ISIL affiliation). There were also reports of discrimination and harassment by the KRG of certain ethnic minorities (see 3.10. Religious and ethnic minorities) as well as reports of arbitrary detention of political opponents and journalists and violent suppression of demonstrations (see 3.3. Human rights and political opposition activists, protesters and other perceived critics of the authorities and 3.4. Journalists and media workers).

2.4. Islamic State of Iraq and the Levant (ISIL)

Last update: November 2024

The analysis below is based on the following EUAA COI reports and query: COI Update 2024, 2.3; Security 2024, 1.4; Country Focus 2024, 1.2, 1.2.1; Targeting 2022, 9.1. Country Guidance should not be referred to as source of COI.

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

ISIL was declared militarily defeated in December 2017. End of 2023, it was reported that ISIL was operating in a survival mode and was unable to launch larger complex attacks. ISIL was maintaining a low-grade insurgency in rural areas, with most of its attacks occurring in Diyala, Kirkuk and Salah-al-din governorates. Asymmetric attacks carried out by ISIL were also recorded in Anbar, Baghdad and Ninewa governorates. However, in 2024, sources observed a resurgence of ISIL in Iraq. ISIL attacks mostly targeted the ISF and, to a lesser extent, the PMF. Killings and kidnappings of civilians were also reported as part of ISIL-related incidents.

In its earlier campaign to 'purify' its territory according to its *takfir* doctrines, ISIL had committed violations, such as mass casualty attacks, forced displacements, abductions, systematic and widespread killings of those not in conformity with their ideology, and sexual violence, including sexual slavery. More recent reports show that ISIL has continued targeting several categories of individuals such as individuals perceived to be opposed to them (see 3.5 Individuals perceived to be opposed to ISIL), collaborators of Western armed forces (see 3.6. (Perceived) collaborators of Western armed forces, organisations, or companies), as well as ethnic and religious minorities (see 3.10. Religious and ethnic minorities).

2.5. Tribes

Last update: November 2024

The analysis below is based on the following EUAA COI report: Arab Tribes 2023, 1.1, 2, 4.1, 4.2. Country Guidance should not be referred to as source of COI.

Tribalism is a defining characteristic of Iraqi society and has influence throughout the country. It is particularly strong in the western/central areas and the south of Iraq, notably in rural areas. Tribalism is prominent within the Sunni community, especially in the governorates of Anbar, Salah-al-din, Kirkuk and Ninewa.

Tribes in Iraq are often involved in conflicts (see 4.3.3.a) Security situation in Iraq: recent events), and they are armed with heavy weapons. Tribal transgressions can result in violence, including blood feuds (see 3.14. Persons involved in and affected by blood feuds in the context of tribal conflict). Tribal dispute mechanisms can result in violation of human rights, such as the practice of *fasliya* (see 3.11.3. Forced and child marriage) and honour killings (see 3.8. Individuals perceived to transgress moral codes).

2.6. Other actors

Last update: November 2024

The analysis below is based on the following EUAA COI reports: Country Focus 2024, 1.2.1, 1.3, 1.4.1, 1.5; Security 2024, 1.4. Country Guidance should not be referred to as source of COI.

Other than the armed forces mentioned above, the PKK as well as foreign armed forces have engaged in conflicts in Iraq with impact on civilians. See 4.3. Article 15(c) QD/QR: indiscriminate violence in situations of armed conflict.

A range of armed actors are also involved in criminality in Iraq and the actor may not always be identifiable. Often, criminality may involve militias or criminal gangs.

Other non-armed actors of persecution or serious harm may include family members (e.g. in the case of honour-based violence (see 3.11.2. Women and girls perceived to have violated family honour), diverse SOGIESC persons (see 3.7. Persons with diverse SOGIESC), FGM (see 3.11.4. Female genital mutilation/cutting), domestic violence (see 3.11.1. Violence against women and girls: overview).

For further information on human rights violations committed by different state and non-state actors and their relevance as potential exclusion grounds, see 7. Exclusion.

3. Refugee status

Article 2(d) QD/ 3(5) QR, Article 9 QD/QR, Article 10 QD/QR

This chapter provides analysis and guidance on the potential international protection needs of selected profiles of applicants. These profiles were selected based on their relevance in the caseload of EU Member States.

The list of profiles addressed in this chapter is non-exhaustive and the fact that a certain profile is included or not is without prejudice to the determination of their protection needs. Furthermore, the order of listed profiles does not reflect any ranking of the potential level of risk of persecution.

The contents of this chapter include:

General remarks

3.1. Persons perceived to be affiliated with ISIL

3.2. Sunni Arabs

3.3. Human rights and political opposition activists and protesters and other perceived critics of the authorities

3.4. Journalists and media workers

3.5. Individuals perceived to be opposed to ISIL

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

3.7. Persons with diverse SOGIESC (also referred to as LGBTIQ persons)

3.8. Individuals perceived to transgress moral codes

3.9. Individuals considered to have committed blasphemy and/or apostasy, including converts and atheists

3.10. Religious and ethnic minorities

3.11. Women and girls

3.12. Children

3.13. Persons living with disabilities and/or with severe medical issues

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

In the current update of 'Country Guidance: Iraq', some profiles included in the previous version of the document have been omitted, as they do not appear in the caseload of EU+ countries in significant numbers. This omission should not be construed as an indication of their current potential protection needs. To consult the assessment of such profiles, namely of Deserters from armed forces, Individuals approached for recruitment by armed groups, Former Baath party members, Humanitarian workers, Shabak, Kaka'i, Baha'i, Bidoon, Fayli Kurds, see the relevant parts of 'Country Guidance: Iraq' (June 2022). However, please note that the guidance provided in the document of June 2022 is based on older COI and cannot be confirmed at the time of writing.

General remarks

Last update: November 2024

While the conclusions under this common analysis provide general guidance, the protection needs of each applicant should be **examined individually**. The non-exhaustive lists of risk-impacting circumstances, which would increase or decrease the risk of persecution, are to be taken into account.

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

For each profile, the guidance responds to the following questions:

Step 1: Do the reported acts qualify as persecution?
This part provides examples of acts reported to be committed against individuals belonging to the profile as well as guidance on whether such acts would reach the level of persecution according to Article 9 QD/QR.
Step 2: What is the level of risk of persecution?
This part assesses how likely it is for applicants within the profile to have a well-founded fear of persecution. Further guidance is provided with regard to the circumstances which should be taken into account in the individual assessment, addressing also how they would impact the risk.
Step 3: Is there a ground for persecution?
This part provides guidance on whether in case of established well-founded fear of persecution, this would be connected to a reason falling within the provision of Article 10 QD/QR (nexus).

Relevant COI is also included in the analysis to substantiate the assessment provided. Links to the relevant EUAA COI reports and/or queries are also added.

For more guidance on how to read the following subsections, please refer to 'Country Guidance: explained': Refugee status.

3.1. Persons perceived to be affiliated with ISIL

3.1.1. Individuals with perceived ISIL affiliation

Last update: November 2024

This profile refers to individuals that are perceived mainly by state and state-affiliated actors, as affiliated with ISIL.

It should be noted that a very careful examination of protection needs and exclusion should be conducted in relation to those with actual affiliation to ISIL.

The analysis below is based on the following EUAA COI reports and query: Country Focus 2024, 1.1.3, 2.1.2; COI Update 2024, 3.1; Arab Tribes 2023, 4.1; Targeting 2022, 1.1, 1.1.1, 1.1.2, 1.3, 2.1. Country Guidance should not be referred to as source of COI.

Perceived affiliation with ISIL is mainly driven by family connections through a relative, even a distant relative who is actively involved with ISIL. Suspicion of affiliation with ISIL can also arise out of other broad range of circumstances, such as being men or boys of fighting age, being Sunni who lived in areas under ISIL's rule, similarity of name to an individual on the 'wanted list', alleged affiliation with a tribe perceived to have provided support to ISIL, false accusations. The suspicion of being ISIL-affiliated by both security actors and the communities might increase for a Sunni who did not return to their place of origin for a long period of time following the liberation from ISIL. In this regard, see also the profiles of 3.2. Sunni Arabs and 3.10.1. Turkmens.

Estimates of the number of individuals perceived, correctly or incorrectly, to be affiliated with ISIL in Iraq range from 250 000 to 300 000 according to sources.

Step 1: Do the reported acts amount to persecution?

Prosecution of the criminal acts of persons actually affiliated with ISIL, in itself, does not amount to persecution.

The framework for prosecution under the Anti-Terrorism Law, used often in this context, is deemed as exceptionally broad both in Federal Iraq and in the KRI and could lead to death penalty. Death penalty is considered as an act of persecution. Various sources reported on an increasing frequency of arbitrary executions of prisoners convicted of terrorism-related offences.

Additionally, more acts to which individuals perceived to be affiliated with ISIL could be exposed are of such severe nature that they would amount to persecution. More specifically, individuals with perceived ISIL affiliation have been executed by the authorities and cases of forced disappearance of suspected ISIL fighters have been reported. Individuals with perceived ISIL affiliation have been also arbitrarily arrested and detained for months and sometimes years, often without a court order or arrest warrant. Torture during arrest and detention has been also reported. Forced confessions are often used as the only evidence in anti-terrorism trials by courts. Also, children perceived to be affiliated with ISIL have been

subjected to arbitrary arrest, detention, and enforced disappearance. Persons perceived to be affiliated with ISIL have been also subjected to the tribal practice of *thar* (revenge/blood feud) which incurs forms of retaliation such as exile and the blocking of return. Instances of revenge killings by family members were reported.

The severity and/or repetitiveness of other acts that individuals with perceived ISIL affiliation could be subjected to and whether they occur as an accumulation of various measures, should also be considered. Individuals perceived to be affiliated with ISIL, including children, have been prevented from obtaining civil documents necessary to access basic services and their freedom of movement has been also restricted, impacting inter alia their ability to return to their home areas. Law 20/2009 on reparation for civil victims of the war has been reportedly implemented in a discriminatory manner for persons perceived to be affiliated with ISIL, preventing them from receiving or applying for compensation. Social stigma against them also exists.

Step 2: What is the level of risk of persecution?

In case of individuals with perceived ISIL affiliation, **a well-founded fear of persecution would in general be substantiated,** as such individuals are still a priority target of all security actors in Iraq.

Step 3: Is there a ground for persecution?

Persecution of individuals under this profile is highly likely to be for reasons of (imputed) political opinion, as being affiliated with ISIL is perceived as a political opinion.

Exclusion considerations are **particularly** relevant to this profile, as persons actually affiliated with ISIL may have been involved in excludable acts. See 7. Exclusion.

3.1.2. Family members of individuals with perceived ISIL affiliation

Last update: November 2024

The analysis below is based on the following EUAA COI reports: Country Focus 2024, 1.1.3, Arab Tribes 2023, 4.1; Targeting 2022, 1.3, 1.3.1, 1.3.2. Country Guidance should not be referred to as source of COI.

The so-called 'ISIL-families' is a broad term. Involvement of one family member in ISIL's activities could reportedly have an impact on every family member, including in cases where support to the organisation was forced or in cases where the accused individuals had, in reality, no connection with ISIL. Regarding the circumstances that may fuel the perception of being affiliated with ISIL, see 3.1.1. Individuals with perceived ISIL affiliation.

Step 1: Do the reported acts amount to persecution?

Some acts to which family members of individuals with perceived ISIL affiliation could be exposed are of such severe nature that they would amount to persecution. More specifically,

such family members have been subjected to collective punishment, sexual violence, and forced displacement by armed actors, including state actors. Revenge attacks targeting IDPs with perceived affiliation to ISIL were also reported. Arbitrary arrests and detentions have taken place and cases of abuses and torture by both state security forces and PMF were reported during arrests and pre-trial detention. Denial of return to their home area by the relevant authorities, militias and even tribes has been also reported. Some of the human rights violations reported against family members of individuals with perceived ISIL affiliation have been the result of tribal customary practices.

The severity and/or repetitiveness of other acts that family members of individuals with perceived ISIL affiliation could be subjected to and whether they occur as an accumulation of various measures, should be also considered. Civil documentation is necessary to have access to basic services but is reportedly available only for a limited number of families with perceived affiliation with ISIL. Lack of documentation can further lead to restricted freedom of movement and increased risk of arrest. Additionally, the law on compensation for civil victims of war has been reportedly applied in a discriminatory manner to persons perceived to be affiliated with ISIL, including their families. Social stigma has been also reported.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a family member of individuals with perceived ISIL affiliation to face persecution should take into account **risk-impacting circumstances**, such as:

- **Family status and gender:** Female-headed households with perceived affiliation to ISIL encounter particular difficulties and challenges in obtaining documents for themselves or their children. For women with foreign ISIL-affiliated spouses, birth registration of children is impossible, leading to risk of statelessness (see also 3.12.5. Children born under ISIL rule who lack civil documentation). Female IDPs and heads of household may be exposed to additional threats when trying to access civil documentation or when undergoing *ikhbar* (notification of offence), due to harassment and sexual exploitation by officers.
- **Tribal affiliation:** A key principle of tribal law is the attribution of collective guilt to the family or tribe of the perpetrator of a crime. This concept allows for the relatives of an ISIL member to be held responsible for crimes that the latter committed individually. However, in practice, the tribal stance towards collective responsibility of ISIL family members is more nuanced. For example, as reported by United Nations Development Programme in October 2022, in Al-Hatra region of Ninewa, tribes 'say that they do not believe in punishing relatives of ISIS members just because of family ties'. In Salah-al-din, the tribes and families of ISIL victims 'still do not allow talk about the return of families and their integration into society', while in Diyala, 'family returns have been halted due to legal, economic, clan-related, social and security obstacles'.
- **Home area:** The meaning and degree of affiliation with ISIL varies depending on location. Relatives of individuals with perceived ISIL affiliation have experienced movement restrictions, especially in formerly ISIL-controlled areas such as Anbar, Dohuk, Kirkuk, Ninewa, and Salah-al-din governorates. Return to the community of origin is often rejected for families from Al Hol camp in Syria. In Tel Afar, the local agreement signed in

2018 by Shia and Sunni tribal leaders contained a provision preventing the return of first-degree relatives of any person involved in terrorist acts, unless they underwent *tabriya* (disowning). Kurdish authorities have also prevented returns of Arab families in the KRI.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant under this profile, this is highly likely to be for reasons of (imputed) political opinion, as family members of individuals with perceived ISIL affiliation would be also perceived as sharing the same opinions or beliefs.

3.2. Sunni Arabs

Last update: November 2024

The analysis below is based on the following EUAA COI reports and query: Country Focus 2024, 1.2.1; Arab tribes 2023, 4.1; Targeting 2022, 2.1; COI Update 2024, 3.1. Country Guidance should not be referred to as source of COI.

Sunni Arabs are a minority in Iraq but form a majority in the central governorates. Decades of conflict and violence intensified sectarian divisions and mistrust among communities.

Step 1: Do the reported acts amount to persecution?

Some acts to which Sunni Arabs could be exposed are of such severe nature that they would amount to persecution. Reportedly, Sunni Arabs have been subjected to enforced disappearances and killings by militias as well as abuses and torture during (arbitrary) arrest and detention. Detention has also taken place in secret prisons. The government continued to use the Anti-Terrorism Law as a pretext for detaining individuals without due process. Sunni Arabs amount to 90% of all prisoners in Iraq. As of June 2024, UN experts documented 30 executions, noting that '[t]he alleged political use of death sentences, mainly against Sunni Iraqi males, is deeply troubling'.

The severity and/or repetitiveness of other acts that Sunni Arabs could be subjected to and whether they occur as an accumulation of various measures, should be also considered. Sunni Arabs have been targeted at checkpoints and have been prevented from returning to their home areas by different actors. Political oppression and extortion by the PMF were also reported as well as verbal harassment. As reported in 2019, Sunnis had also faced discrimination in the context of the de-Baathification process.

Step 2: What is the level of risk of persecution?

The mere fact for an individual to be a Sunni Arab would normally not lead to a well-founded fear of persecution. However, Sunni Arab applicants would be at risk of persecution if perceived to be affiliated with ISIL. **Their perceived affiliation with ISIL would depend on individual circumstances**, such as:

- **Home area:** Sunnis who lived in areas under ISIL's rule have been accused of siding with ISIL by PMF, irrespective of their degree of involvement with the group. The anti-terrorism

legislation is reportedly used as a 'pretext' to unlawfully detain Sunni Arabs, especially in Sunni majority governorates such as Anbar, Salah al-Din, Kirkuk, and Ninewa.

Some Sunni Arab IDPs from certain governorates were reportedly explicitly barred from returning by militias or by the KRG, which has blocked returns in disputed territories and in areas that KRG forces took back from ISIL while Kurdish villagers were allowed to return. In Ninewa, including Mosul, PMF intensified the political oppression and extortion towards Sunni Arabs. In Tal Afar, it appears that fears of violence based on religious affiliation have persisted and Sunnis feel discriminated against for being perceived as ISIL supporters. In Sinjar, tensions between Yazidis and Sunnis were reported. In Mosul, PMF-affiliated groups indiscriminately harass, intimidate, and arrest Sunni civilians. In Al-Jayalah, Al-Khalis district of Diyala governorate, multiple Sunni civilians have been killed by Iran-backed Shia militias in February and March 2023.

- **Age and gender:** Young Sunni men have been accused under the Anti-Terrorism Law on suspicion of having links with ISIL.
- **Political background:** The list of the most wanted ISIL members published by the Iraqi authorities in 2018 included several high-ranking former Baath party members. Tribal background can also affect the perception of political affiliation. For example, Saddam Hussein's tribe, named Albu Nasir, is also reported to face marginalisation due to perceived affiliation with ISIL.

For more details and guidance in case of perceived affiliation with ISIL, see 3.1. Persons perceived to be affiliated with ISIL.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant under this profile, this may be for reasons of (imputed) political opinion, especially for those affiliated with ISIL. Persecution may also be for reasons of religion, notably in the context of rivalries with the Shia militias. In individual cases, race/ethnicity could also be a relevant ground, as specifically Sunnis have been denied return to some areas by the KRG, while Kurdish persons have been allowed to return.

3.3. Human rights and political opposition activists, protesters and other perceived critics of the authorities

Last update: November 2024

This profile refers to persons who, individually or in association with others, act to promote or protect human rights and activists perceived as opposing the state and state-affiliated actors. It also addresses the situation of protesters as well as those expressing criticism to the authorities via the internet.

The analysis below is based on the following EUAA COI reports and query: Country Focus 2024, 1.1.2, 1.3; Targeting 2022, 3.1.1, 3.1.2, 3.1.4, 5.3, 5.4.1; Protesters 2020. Country Guidance should not be referred to as source of COI.

Freedom of expression as well as of assembly and peaceful protest are enshrined in the Iraqi constitution. However, political protests have taken place in Iraq, including in the KRI, and many have been met with a violent response both from state security forces and armed militias.

Also see profile 3.8. Individuals perceived to transgress moral codes.

Step 1: Do the reported acts amount to persecution?

Legitimate actions of law enforcement would not amount to persecution.

Some acts to which human rights and political opposition activists and protesters could be exposed are of such severe nature that they would amount to persecution. More specifically, activists and human rights defenders have been arbitrarily arrested and detained by state and/or state-allied forces, including in the KRI. In previous years, for example in 2019, instances of assassinations, attacks and abductions by unidentified armed groups had been also documented. Human rights defenders and activists were also reported to have been tried on charges of defamation. Individuals who advocate for gender equality in the KRI are reported to 'face threats from powerful conservative and patriarchal groups', according to Choman Hardi. Kidnapping, disappearance, and killings were also inflicted by militias on protesters. Violent repression of protesters continued in 2023.

Internet freedom in Iraq is limited and physical attacks by state and non-state actors against internet users for their online activities have been reported. Online activists were targeted and regularly subjected to intimidation, arrests and assassinations. This climate, both in Federal Iraq and in the KRI, has resulted in self-censorship. Home searches were also reported. In January 2023, an online platform was launched by the Iraqi government for monitoring and reporting 'indecent content' on social media and some individuals were charged and even sentenced to prison for publishing such content. The platform was blocked a few months later.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a human rights and political activist or protester to face persecution should take into account **risk-impacting circumstances**, such as:

- **Visibility, including being known to the authorities:** The sole fact of participating in a protest in the past may not be sufficient to establish a well-founded fear of persecution. The degree of involvement in the protests would be a factor to consider. For example, in 2020, it was reported that detainees had been forced to sign a pledge not to take part in further protests, before being released. Information on the participation in protests, the political affiliation of the protester and sometimes information on other protesters, was

also sought. Sources further referred to rumours of a government-compiled 'blacklist' of wanted protesters.
Furthermore, having a leadership role in the protests as well as having strong internet presence would increase the level of risk. Nevertheless, in 2022, there have been some limited information on cases of ordinary citizens, unfamiliar with activism, being arrested for posting in social media content critical of authorities.

- **Nature of activities:** Activists criticising the social and economic situation were arrested and tried on defamation charges, including in the KRI. Environmental activists also faced death threats, violence, intimidation and arbitrary detention. Political protests varied greatly in scope and focus (e.g. for extensive reforms, end to corruption, the improvement of public services, justice and accountability) and have also been met with violence.
- **Political and/or sectarian background of the individual:** In 2020, campaigns aimed at intimidating political opposition-oriented activists took place in KDP and PUK-controlled areas. Following the results of the parliamentary elections of October 2021, many supporters of Shia parties protested throughout the country against the election results. In August 2022, protests turned into violent clashes between Al-Sadr's militias and members of the Iraqi Security Forces (ISF). In 2023, some rival politicians were targeted and silenced, including in the KRI.
- **Gender:** Online harassment can be aggressive, and women activists are harassed to a much higher degree; their photos and addresses could be shared online alongside messages calling for their rape or assassination.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant under this profile, this is highly likely to be for reasons of (imputed) political opinion, as being a human rights activist, political opposition activist or protester would be seen as being critical of the authorities.

3.4. Journalists and media workers

Last update: November 2024

The analysis below is based on the following EUAA COI reports and query: Country Focus 2024, 1.1.2; COI Update 2024, 3.2; Targeting 2022, 5.1, 5.1.2. Country Guidance should not be referred to as source of COI.

The Iraqi Constitution guarantees the freedom of press if it does not violate public order and morality. However, Iraq is regarded as one of the world's most dangerous countries for journalists.

Step 1: Do the reported acts amount to persecution?

Some acts to which journalists and media workers could be exposed are of such severe nature that they would amount to persecution. More specifically, anti-defamation crimes

included in the Penal Code are often used to threaten, punish and intimidate journalists and a 'considerable' number of Iraqi journalists have faced legal proceedings. Vaguely worded laws have been used to target and silence journalists, including in the KRI. The law on 'misuse of technology, social media and means of communication' has been also used in this regard. In some cases, journalists in the KRI have been detained by the authorities with accusations of espionage. In May 2024, Amnesty International denounced the continued attacks against journalists by KRI authorities, including 'arbitrary detention, beating and grossly unfair trials.'

The Committee to Protect Journalists did not record any murder of journalists in Iraq from January 2022 until March 2024. However, in previous years, journalists have been kidnapped, tortured, and assassinated for their work. The perpetrators are not always clearly identifiable, however attacks in the context of protests have been attributed to security forces and militias.

The severity and/or repetitiveness of other acts that journalists and media workers could be subjected to and whether they occur as an accumulation of various measures, should be also considered. Self-censorship is widely spread in Iraq, including in the KRI.

Step 2: What is the level of risk of persecution?

For **journalists and media workers who engage in critical reporting on controversial political or other sensitive issues** (e.g. corruption, abuse of authority, protests, poverty, unemployment) **or are seen as criticising government officials, well-founded fear of persecution would in general be substantiated**, because they are particularly targeted in Iraq.

For **other journalists and media workers**, the individual assessment of whether there is a reasonable degree of likelihood to face persecution should take into account **additional risk-impacting circumstances**, such as:

- **Political and/or sectarian background:** Journalists considered as 'enemies' were directly targeted by all the conflicting parties. Employees of media outlets have been also targeted based on the political affiliation of their employers.
- **Gender:** Female journalists are particularly subject to discrimination, harassment and extortion, especially those working on controversial issues for independent media.
- **Visibility, including being known to the authorities**: Journalists or those with large social media followers perceived to insult Iraqi or Kurdish authorities face serious repercussions. Nevertheless, less prominent journalists have been also targeted as well as journalists in the KRI, especially local and independent reporters.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant under this profile, this is highly likely to be for reasons of (imputed) political opinion, as journalists or media workers would be seen as critical of the relevant actor.

3.5. Individuals perceived to be opposed to ISIL

Last update: June 2019
Minor updates added: November 2024

This profile refers to individuals perceived to oppose ISIL, such as local politicians and tribal leaders as well as members of the ISF, PMF, Peshmerga and local police.

The analysis below is primarily based on the following EUAA COI report: Targeting 2019, 2.1, 2.3.1, 2.3.2, 2.3.3, 2.3.4; Security 2019, 1.4.1.1; some information included in the Security 2024 and COI Update 2024 has also been added. Country Guidance should not be referred to as source of COI.

When ISIL took control of large parts of Iraq in 2014, it immediately started targeting a broad array of opponents to their rule, including members of security personnel. In 2018, ISIL's focus increasingly shifted towards targeting local authorities.

Step 1: Do the reported acts amount to persecution?

Acts to which individuals perceived to oppose ISIL could be exposed are of such severe nature that they would amount to persecution. As of 2019, the group has killed and kidnapped local authorities, parliamentary candidates, tribal elders, village chiefs and others. Relatives of tribal leaders have been also targeted. Members of the ISF, PMF, Peshmerga and local police have also been subjected to assassinations and abductions by ISIL, including also former members of such forces.

Step 2: What is the level of risk of persecution?

ISIL's operational capabilities have diminished and consequently **the threat posed by ISIL to individuals under this profile has also decreased** compared to previous years.

The individual assessment of whether there is a reasonable degree of likelihood for an individual perceived to oppose ISIL to face persecution should take into account **risk-impacting circumstances**, such as:

- **Occupation:** It appears that more recent attacks of ISIL have mostly targeted the ISF and, to a lesser extent, the PMF. However, government officials, community leaders and civilians have also been targeted.
- **Area of work and home area:** End of 2023 it was reported that ISIL was present in Iraq in a 'survival mode' as a low-grade insurgency in rural areas [Security 2024, 1.4]. However, in 2024, sources observed a resurgence of ISIL in Iraq [COI Update 2024, 2.3]. Therefore, in areas where ISIL continues to operate, well-founded fear of persecution may be still substantiated, in individual cases. For more information on areas of presence and activities of ISIL, see 2.4. Islamic State of Iraq and the Levant (ISIL).
- **Tribal affiliation and the tribe's standing vis-à-vis ISIL**: Belonging to a tribe that has a strong stance against ISIL may increase the risk. In a September 2015 report, anthropologist Hosham Dawod named a number of Sunni tribal confederations opposing ISIL, such as 'Al-Bu Nimr, Al-Bu Fahd, Al-Bu Alwan, Al-Bu Daraj, Jubur, 'Ubaid, etc.'

- **Visibility of the applicant:** The position of the applicant within the community or within the armed force he/she belongs to is to be considered, as a higher position may increase the risk. In the same way, publicly expressing support for the government or condemnation of ISIL's actions could also increase the risk exposure of the applicant.
- **Period since leaving the forces:** For former members of armed forces, having left the forces for a long period may decrease the risk.
- **Personal enmities:** Personal hostilities or rivalries with ISIL members could also increase the risk.

Step 3: Is there a ground for persecution?

Where a well-founded fear of persecution is substantiated for an applicant under this profile, this is highly likely to be for reasons of (imputed) political opinion, as the individual would be seen as an opponent by the ISIL. Also, religion is highly likely to be a relevant ground, specifically in cases where the applicant would be accused of being a *takfir* (unbeliever) by ISIL.

Exclusion considerations could be relevant to this profile, as members of the ISF, PMF, Peshmerga and local police may have been involved in excludable acts. See 7. Exclusion.

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

Last update: June 2022
Minor updates added: November 2024

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

The analysis below is based on the following EUAA COI reports: Security 2024, 1.1, 2.2, 2.3, 2.14, 2.16; Targeting 2019, 1.9; Targeting 2022, 9.1. Country Guidance should not be referred to as source of COI.

Targeting of personnel who worked for the US, in particular by Shia militias, was prevalent in the period before 2011, and especially between 2005 - 2008. The assassination of Iran's Revolutionary Guard Corps (IRGC) Quds Force commander marked a significant increase in the targeting of Iraqis collaborators of western forces between January 2020 – end October 2021 and casualties had been reported.

Step 1: Do the reported acts amount to persecution?

Some acts to which (perceived) collaborators of Western armed forces, organisations, or companies could be exposed are of such severe nature that they would amount to persecution. Sporadic attacks on convoys of Iraqi companies contracted to carry supplies for the international counter-Daesh coalition continued in a number of governorates in the first

half of 2023, causing no casualties. One source reported a total of 14 such attacks between 12 January 2023 and 25 January 2024, a decrease compared for example to 2020 and 2021.

Step 2: What is the level of risk of persecution?

It seems that **the risk** for (perceived) collaborators of Western armed forces, organisations, or companies **has decreased** compared to the years 2020-2021. The individual assessment of whether there is a reasonable degree of likelihood for such an applicant to face persecution should take into account **risk-impacting circumstances**, such as:

- **Area of employment:** The attacks on convoys occurred mostly in southern and central Iraq governorates, including Babil, Muthanna and Qadisiyah. In the south of Baghdad, attacks on US convoys transporting material from and to military bases have been more frequent as convoy routes are more concentrated in the area. Strong societal hostility has been also reported, particularly in Shia areas.
- **Type of employment:** Iraqi interpreters working for the US military or the US-led coalition feared targeted attacks from ISIL and Iran-backed militias who view them as *takfir* (unbelievers). Drivers and other escorting convoys have been also killed in the context of attacks at the convoys.
- **Visibility**: Holding a post visible to many people would increase risk exposure.
- **Personal enmities:** Personal hostilities or rivalries could also increase the risk (e.g. revenge killing by someone personally affected by the US presence in Iraq).

Step 3: Is there a ground for persecution?

Where a well-founded fear of persecution is substantiated for an applicant under this profile, this is highly likely to be for reasons of (imputed) political opinion, as working for western forces would be seen as collaborating with 'the enemy'. Religion is also highly likely to be a relevant ground, specifically in the case of interpreters being viewed as *takfir*.

3.7. Persons with diverse SOGIESC (also referred to as LGBTIQ persons)

Last update: November 2024

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

The analysis below is based on the following EUAA COI report and query: Country Focus 2024, 1.5; COI Update 2024, 3.3. Country Guidance should not be referred to as source of COI.

Step 1: Do the reported acts amount to persecution?

Some acts to which persons with diverse SOGIESC could be exposed are of such severe nature that they would amount to persecution. More specifically, in April 2024, the Iraqi Parliament passed a law criminalising and punishing consensual same-sex relations with a penalty ranging between 10-15 years in prison; 'promoting homosexuality' by a minimum of seven years in prison and a fine; and 'imitating women' by up to three-year imprisonment. Originally, the law prescribed the death penalty or life imprisonment for same-sex relations. The new anti-LGBTIQ bill did not automatically come into force in the KRI since the bill needs to be first approved by the Kurdistan parliament, following the pending elections.

Both men and women in Iraq face harassment, abuse by family members or state actors, and detention for not conforming to traditional appearance or behaviour that is perceived to match their biological sex. Killings, abductions, torture, and sexual violence against LGBTIQ individuals perpetrated by armed groups, including by law enforcement officers, have taken place.

Step 2: What is the level of risk of persecution?

Considering the recent criminalisation of same-sex relationships as well as the escalation of anti-LGBTIQ sentiments in Iraq, with violence and discrimination against LGBTIQ individuals being described as 'rampant', **a well-founded fear of persecution would, in general, be substantiated** for persons with diverse SOGIESC.

It has to be noted that an applicant cannot be expected to conceal their sexual orientation or gender identity to avoid persecution([6]).

Step 3: Is there a ground for persecution?

Persecution of individuals under this profile is highly likely to be for reasons of membership of a particular social group, based on the shared characteristics and the distinct identity of persons with diverse SOGIESC in Iraq([7]).

3.8. Individuals perceived to transgress moral codes

Last update: November 2024

The analysis below is primarily based on the following EUAA COI reports and query: Country Focus 2024, 1.6, 1.6.1, 1.6.3; COI Update 2024, 3.2. Country Guidance should not be referred to as source of COI.

A wide range of individuals and/or behaviours can be considered to be transgressive of moral codes.

([6]) CJEU, *Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel*, joined cases C-199/12 to C-201/12 judgment of 7 November 2013, paras. 70-76 (*X and Y and Z*).
([7]) CJEU, *X, Y and Z*, paras. 45-49.

Some behaviours perceived to transgress moral codes can lead to honour-based violence. Tribal actors committing honour-based violence are reported to be allowed to act with impunity in Iraq. Mostly women, and to a lesser extent men, can be subjected to honour-based killings. Males may be considered to have damaged honour if they violate gender roles through dress or same-sex relationships (see 3.7. Persons with diverse SOGIESC). For the risk of women to be subjected to honour-based violence see 3.11.2. Women and girls perceived to have violated family honour.

Other behaviours perceived to transgress moral codes include supporting secular views, selling/consuming alcohol, entering in an inter-sect/inter-faith marriage, posting videos of music or comedy skits and sarcastic social commentary, dance moves deemed provocative, way of dressing, using language deemed obscene, or raising sensitive social issues such as gender-related topics.

See also 3.9. Individuals considered to have committed blasphemy and/or apostasy, including converts and atheists.

Step 1: Do the reported acts amount to persecution?

Some acts to which individuals perceived to transgress moral codes could be exposed are of such severe nature that they would amount to persecution. More specifically, in January 2023, an online platform was launched by the Iraqi government for monitoring and reporting 'indecent content' on social media and some individuals were charged and even sentenced to prison for publishing such content. The platform was blocked a few months after. In April 2024, a social media influencer was assassinated by unknown assailants in Baghdad. Attacks on liquor stores have been also reported as well as arrests of their owners, mostly belonging to minorities, following the alcohol ban. Owners have also been blackmailed by PMF.

The severity and/or repetitiveness of other acts that individuals perceived to transgress moral norms could be subjected to and whether they occur as an accumulation of various measures, should be also considered.

The term 'gender' has been banned affecting the work of academics and staff at humanitarian organisations. Additionally, Iraq's government started enforcing a 2006 law banning alcohol which prohibits the import, sale, and manufacture of all alcoholic beverages. In the KRI, the ban is not enforced, however both in Iraq and in the KRI, selling, buying and consuming alcohol is widely seen as immoral. Nevertheless, 'quite a lot of Iraqis' are said to consume alcohol and many liquor stores across Iraq are said to continue business as usual.

Stigmatisation and exclusion for people, mostly women, marrying outside their faith, has been also reported.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account **risk-impacting circumstances**, such as:

- **Moral and/or societal norm transgressed:** The nature of the specific norm transgressed and the (perceived) gravity and potential repetitiveness of such transgression could impact the risk.
- **Gender:** Women acting in a public sphere (e.g. candidates in elections, social media presence) may be at a higher risk. For example, a female social media influencer, who had become famous on TikTok for sharing videos of herself dancing to pop music, was assassinated in Baghdad in April 2024. For many people in Iraq the only acceptable jobs for women are in certain home-related sectors or government departments [Targeting 2022, 7.4; Targeting 2019, 3.5.7]
- **Home area:** It seems that in bigger cities, such as Baghdad, the risk would be lower compared to less urban areas. For example, in some neighbourhoods of Baghdad, it is possible to see some young Iraqi men and women wearing jeans and sneakers, listening to music, taking music or dance classes. These individuals are however reported to be wary of criticism or targeting by conservative sections of society or militias. Similarly, on the banks of the Tigris River in the capital Baghdad, it is not unusual to see young people drinking alcohol. However, attacks against liquor stores have been reported. Regarding mixed marriages, generally, marriages between Sunni and Shia Muslims are reported to be common and not controversial in Iraq, especially in demographically mixed areas like Baghdad. However, in areas that experienced continued tensions between Sunnis and Shias, e.g. in Tal Afar, in the Ninewa governorate, mixed marriages among these communities may not be accepted.
- **Family, tribe and social environment:** Belonging to a more conservative environment could increase the risk of a transgression being seen as violation of moral codes. Regarding mixed marriages, in general, killings have been reported in extreme cases. Nevertheless, some minority communities, including Sabean-Mandeans and Yazidis, do not permit their members to marry outside their faith. Intolerance towards inter-sect/inter-faith marriage might also occur in circumstances when one spouse is a member of a tribe with perceived ISIL affiliation.

Furthermore, how fundamental is someone's behaviour to his/her identity or conscience should also be considered. For example, selling or drinking alcohol, as such, would not be considered as fundamental expression of one's identity.

Step 3: Is there a ground for persecution?

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

In the case of persons transgressing moral codes, where a well-founded fear of persecution is substantiated, this may be for reasons of membership of a particular social group. Such individuals may be perceived as being different by the surrounding society because of their common background which cannot be changed (perceived past behaviour) and/or a shared characteristic or belief that is so fundamental to identity or conscience that they should not be forced to renounce it (opposition to cultural, social or religious norms and the unwillingness to comply with them).

In the cases of inter-sect/inter-faith marriages, as well as in individual cases of persons targeted by Shia militias for other perceived religious transgressions, where a well-founded fear of persecution is substantiated, this may be for reasons of religion and/or race.

3.9. Individuals considered to have committed blasphemy and/or apostasy, including converts and atheists

Last update: November 2024

This profile refers to persons who are considered to have abandoned or renounced the religious belief or principles of Islam (apostates), individuals who have converted from Islam to a new faith, mainly Christianity (converts), those who disbelieve or lack belief in the existence of god or gods (atheists), as well as persons considered to have shown contempt for god, Islam and/or religious figures (blasphemers).

The analysis below is based on the following EUAA COI reports: Country Focus 2024, 1.6.2; Arab Tribes 2023, 4.5; Targeting 2022. Country Guidance should not be referred to as source of COI.

Islam is the official state religion of Iraq. Conversion from Islam to other religions is prohibited under Personal Status laws, however the Penal Code does not contain any provision regarding conversion.

Step 1: Do the reported acts amount to persecution?

Some acts to which individuals considered to have committed blasphemy and/or apostasy, including converts and atheists, could be exposed are of such severe nature that they would amount to persecution. More specifically, people who convert from Islam to Christianity may be at risk of being killed or persecuted by clan or tribe members, state authorities or extremist groups. By law, converts to Christianity are considered as Muslims. Atheism is reported to be on the rise in Iraq, however, harassment and violence against atheists by family members, religious and militia groups are reported to occur. Apostasy cases are adjudicated under *Sharia* law. As noted in 2020, whilst atheism is not prohibited by law, Humanists International noted that atheists have been prosecuted for blasphemy and other related charges. Blasphemy is criminalised under the Penal Code; nonetheless, the law is rarely enforced.

The severity and/or repetitiveness of other acts that individuals considered to have committed blasphemy and/or apostasy, including converts and atheists, could be subjected to and whether they occur as an accumulation of various measures, should be also considered. Religious conversion from Islam to Christianity or other religions is socially taboo in Iraq and ill- perceived by society and tribal groups. Agnostics, atheists and non-believers, including converts, generally do not publicly disclose their beliefs due to stigma from society and out of fear. Converts opt to hide their conversion to Christianity or any other religion. Converts might be expelled from the territory upon decision of tribal leaders, sometimes with the support of

their own family. Converts from Muslim background experience pressure, ostracism and discrimination, especially from family and community members.

Step 2: What is the level of risk of persecution?

For **converts** in Iraq, including the KRI, **well-founded fear of persecution would in general be substantiated**. As seen above, converts risk physical violence by different armed and non-armed actors, including their (extended) family members. They are also particularly subjected to social stigma. It is indicative of the social perception of converts that converting from one religion to any other is a red line for all tribes, among all ethnicities and all religions.

For **other individuals considered to have committed blasphemy and/or apostasy, including atheists**, the individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account **risk-impacting circumstances, in particular religious or non-religious practices that the applicant has engaged or will engage in**. Publicly expressing views or adopting behaviour/practices that could be considered as apostasy, blasphemy or atheism would put the applicant at particular risk. In October 2021, the Supreme Judicial Council issued a statement noting that a judicial order had been issued in order to enable the monitoring of social media sites so as to ensure adherence to the Penal Code and the Iraqi Constitution. This included monitoring social media sites promoting atheism. It should be highlighted that no applicant under this profile can reasonably be expected to abstain from their religious practices in order to avoid persecution([8]).

Step 3: Is there a ground for persecution?

Where a well-founded fear of persecution is substantiated for an applicant under this profile, this is highly likely to be for reasons of religion as individuals considered to have committed blasphemy, apostasy, including converts and atheists would be seen as opposing the prevalent religion of Islam.

3.10. Religious and ethnic minorities

Iraq hosts a variety of religious, ethnic, cultural and linguistic minorities. The following is a non-exhaustive list of ethno-religious minorities present in Iraq.

3.10.1. Turkmens

Last update: November 2024

The analysis below is based on the following EUAA COI reports: Targeting 2019, 3.4.1; Targeting 2022, 4.2.1, 4.2.2; Country Focus 2024, 1.2.1. Country Guidance should not be referred to as source of COI.

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

Turkmens are the third largest ethnic group in Iraq after Arabs and Kurds and the second largest group in the Kurdistan region, as of 2021. They comprise both Sunni and Shia, and a small group of Christian.

Step 1: Do the reported acts amount to persecution?

Some acts to which Turkmens could be exposed are of such severe nature that they would amount to persecution. More specifically, there had been reports of abductions and killings of Shia Turkmens by ISIL. Sunni Turkmens have been subjected to forms of collective abuses and killings by the PMF.

The severity and/or repetitiveness of other acts that Turkmens could be subjected to and whether they occur as an accumulation of various measures, should be also considered. Turkmens were reported to have faced discrimination, particularly by Iran-aligned PMF groups. PMF were also reported to have conducted arbitrary and unlawful detention of Sunni Turkmens as well as ask for security clearance in order to give documentation. It has been also reported that Turkmens have been discriminated against by the KRG authorities in the disputed territories. Turkmens have further experienced hate speech and mockery in the traditional media as well as on social media for practicing sacred rituals.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a Turkmen to face persecution should take into account **risk-impacting circumstances**, such as:

- **Home area**: Turkmens in Kirkuk seemed to be more targeted by government forces, including PMF, than other groups inhabiting the city. PMF were reported to have committed violence and detained Turkmens, in Ninewa and Sinjar. Sunni Turkmens have been harassed by PMF at checkpoints in Tal Afar. Turkmens in the disputed territories have been also discriminated against by KRG authorities.

  The presence of ISIL in the home area could also increase the risk. The capture of the Ninewa Plains by ISIL in 2014 brought destruction of non-Sunni minorities, with Turkmens, among others, being particularly affected. There were reports of abductions and killings of Shia Turkmens, including women and children, by ISIL. For the area(s) of presence and activities of ISIL, see 2.4. Islamic State of Iraq and the Levant (ISIL).
- **Religion and perceived affiliation with ISIL**: Security forces had been reportedly treating relatives of the Tal Afar inhabitants who had joined ISIL as ISIL-supporters, particularly in Al-Ayadhiya sub-district. In 2021, the PMF were targeting Sunni Turkmens, seeking revenge for ISIL-committed incidents. See also 3.1. Persons perceived to be affiliated with ISIL.
- **Gender**: Only a small number of abducted Turkmens women reportedly returned to their community. Stigma around sexual violence could lead to honour killings. See also 3.8. Individuals perceived to transgress moral codes.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant under this profile, this is highly likely to be for reasons of nationality/race (Turkmens are a distinct ethnic group) and/or religion (ISIL has targeted Shia Turkmens, PMF have targeted Sunni Turkmens). In some cases, (imputed) political opinion could also be substantiated as Sunni Turkmens could be perceived as affiliated with ISIL.

Exclusion considerations could be relevant to this profile as some Shia Turkmens have entered the PMF and others the PKK and may have been involved in excludable acts. Some Sunni Turkmens may have also joined ISIL. See 7. Exclusion.

3.10.2. Yazidis

Last update: November 2024

The analysis below is based on the following EUAA COI reports: Targeting 2022, 4.3, 4.3.1, 4.3.2, 4.3.3; Country Focus 2024, 1.2.1, 1.3.1. Country Guidance should not be referred to as source of COI.

The Yazidis are a minority ethno-religious group. Prior to the takeover by ISIL in 2014, the largest Yazidi community resided in the area of Mount Sinjar in Ninewa. Estimates on the Yazidi population differ significantly. In 2019 one source indicated that the number of Yazidis in northern Iraq hover between 400 000 and 500 000. In 2021, around 200 000 Yazidis were displaced, most of them living in KRI camps. Yazidis self-identify first by religion and then by ethnicity. The Iraqi constitution guarantees freedom of religious belief and practices for Yazidis.

Thousands of Yazidis were killed or abducted by ISIL during its rule. Yazidi women and girls suffered rape, torture, and slavery under ISIL captivity and pregnant survivors of sexual violence were highly vulnerable to various forms of violence. Younger boys faced indoctrination, beatings and torture by ISIL and commonly became child soldiers.

Step 1: Do the reported acts amount to persecution?

Some acts to which Yazidis could be exposed are of such severe nature that they would amount to persecution. As noted above, in previous years, ISIL committed persecutory acts against Yazidis. More recently, PMF have continued to engage in acts of violence and enforced disappearance against Yazidis. Children born out of rape are reported to be vulnerable to retribution, 'honour' killings and abandonment. Militias have also recruited Yazidi children.

The severity and/or repetitiveness of other acts that Yazidi could be subjected to and whether they occur as an accumulation of various measures, should be also considered. Stigma against Yazidis victims of sexual violence and discrimination against children born out of rape within the Yazidi communities have been reported, as Yazidis do not consider these children as belonging to their communities. Yazidi women have been rejected by their communities for refusal to abandon their children born out of rape. These children and their mothers have also

difficulties accessing government services due to the lack of identification documents. Even though some progress was achieved by the Iraqi government to provide compensation for Yazidis, they have remained marginalised, including in relation to access to the labour market. In 2023, a campaign of hate speech reportedly targeted the Yazidi community. Instances of discrimination by the KRG had been also reported. The PKK and PMF have prevented Yazidis to return home to Sinjar region.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a Yazidi to face persecution should take into account **risk-impacting circumstances**, such as:

- **Home area**: Yazidis have been prevented from returning to Sinjar both by the PKK and PMF and the security situation in the area remains fragile. Displacement camps constitute sites of heightened risk. As reported in 2021, the living conditions in the KRI camps were difficult and poverty in the camps had worsened, which in turn has led to higher numbers of suicides, domestic violence, and child abandonment. Instances of discrimination by KRG authorities against Yazidis have occurred; however, Yazidis were not recently reported to experience interference in their religious observances.

  The presence of ISIL in the home area could also impact the risk. For the area(s) of presence and activities of ISIL, see 2.4. Islamic State of Iraq and the Levant (ISIL).
- **Gender and family/ community perception**: Women and girls were widely victims of sexual violence by ISIL. Many of those held captive by ISIL fell pregnant as a result of rape, were forcibly married, subjected to trafficking in human beings for the purpose of sexual exploitation and remained highly vulnerable to various forms of exploitation and stigma. Those who refused to leave their children behind are reported to have faced expulsion from the community and also honour killings.
- **Lack of identity documents**: Yazidi women who suffered rape were forced to register their children as Muslim and to convert to Islam themselves in order to obtain identification documents and access to governmental services. For those without identification documents, difficulties accessing government services still persist. See also 3.12.5 Children born under ISIL rule who lack civil documentation.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant under this profile, this is highly likely to be for reasons of religion, race and/or nationality as Yazidis are a distinct ethno-religious group. Nationality could be also relevant in case of persecution due to lack of identification documents.

Exclusion considerations could be relevant to this profile as some Yazidis have been members of militias and may have been involved in excludable acts. See 7. Exclusion.

3.10.3. Christians

Last update: November 2024

The analysis below is based on the following EUAA COI reports: Targeting 2022, 4.1, 4.1.1, 4.1.2; Country Focus 2024, 1.2.1 1.3.1. Country Guidance should not be referred to as source of COI.

Following the US-led invasion in March 2003, the Christian population in Iraq declined from approximately 1 500 000 to less than 250 000. The Iraqi constitution guarantees freedom of religious belief and practices of Christians.

Step 1: Do the reported acts amount to persecution?

Some acts to which Christians could be exposed are of such severe nature that they would amount to persecution. Christian communities in central and southern governorates were victims of sectarian violence after 2003. ISIL also killed Christians in Ninewa in their attempt of religious cleansing. PMF also continued to target Christians through enforced disappearances, kidnappings, and physical violence.

The severity and/or repetitiveness of other acts that Christians could be subjected to and whether they occur as an accumulation of various measures, should be also considered. PMF prevented the return of many displaced Christians as part of an attempt to induce demographic changes and secure illegal economic benefits. Illegal arrests and detention as well as further movements restrictions imposed by PMF have been reported. Christians have been socially pressured to withhold from celebrating religious feasts overlapping with Islamic holidays and Christian women have been harassed for not wearing *hijab*. Christian-owned liquor stores have been also attacked by PMF.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a Christian to face persecution should take into account **risk-impacting circumstances**, such as:

- **Home area**: In 2020, there were reports of violence, harassment and intimidation against Christians by the PMF particularly in the Ninewa governorate. Most recent information refers to land and properties grabbing from Christians in Ninewa. In the same area, Christians accused government officials of promoting a demographic change in favour of Shia Shabak. Christian liquor stores had been also attacked in Baghdad. Christians in the KRI have better living opportunities than in other parts of Iraq, however they still face some discrimination. Nevertheless, in the KRI, Christians were not reported to experience interference by the government in their religious practices. The presence of ISIL in the home area could also impact the risk. For the area(s) of presence and activities of ISIL, see 2.4. Islamic State of Iraq and the Levant (ISIL).
- **Gender**: Christian women have been reported to be harassed for not following the Islamic practice of wearing the *hijab*.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant under this profile, this is highly likely to be for reasons of religion (Christianity).

3.10.4. Sabean-Mandaeans

Last update: January 2021
Minor updates added: November 2024

The analysis below is based on the following EUAA COI reports and query: Targeting 2019, 3.4.8; Sabean-Mandaean in Iraq 2020; Country Focus 2024, 1.2.1. Country Guidance should not be referred to as source of COI.

The Sabean-Mandaeans are one of the smallest ethno-religious minorities in Iraq, with an estimated number of less than 5 000 in 2019. Their area is in southern Iraq, including Basrah and the southern governorates of Dhi Qar and Missan, but small numbers also live in Baghdad and the KRI. The Iraqi constitution guarantees freedom of religious belief and practices of Sabean-Mandaeans. The Personal Status Law recognises a list of registered religious groups, including Sabean-Mandeans, allowing them to perform legal transactions and to appoint legal representatives.

Step 1: Do the reported acts amount to persecution?

Some acts to which Sabean-Mandaeans could be exposed are of such severe nature that they would amount to persecution. Sabean-Mandaeans are reported to face risks from extremist Islamist groups, without protection granted by the authorities. Community members have faced killings, abductions and torture.

The severity and/or repetitiveness of other acts that Sabean-Mandaeans could be subjected to and whether they occur as an accumulation of various measures, should be also considered. Sabean-Mandaeans experience discrimination and negative stereotyping in all aspects of public life, being also accused of witchcraft and sorcery and being vulnerable to land seizures. They have been also extorted and pressured to conform to Islamic principles. Alcohol ban imposed in many parts of the country has also affected their businesses.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a Sabean-Mandaean to face persecution should take into account **risk-impacting circumstances**, such as:

- **Home area:** In 2017, it was indicated that, especially in Baghdad, members of the Sabean-Mandaean community were often associated with wealth and therefore susceptible to attacks.

  In 2017, it was reported that being Arabic speakers, Sabean-Mandaeans who fled to KRI faced a language barrier when interacting with the Kurdish majority, experiencing racism and sometimes discrimination or verbal abuse. However, compared to the rest of Iraq, the risk of persecution for Sabean-Mandaeans in the KRI would be lower.

- **Gender:** Outside the KRI, Sabean-Mandaean women had opted to wear the *hijab* after continuous harassment.
- **Occupation:** Sabean-Mandaeans were perceived as rich because they were associated with the jewellery trade. As a result, they have become a target for extortion and violence by extremist groups and criminal gangs.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for the applicant falling under this profile, this may be for reasons of religion and/or race, in particular in case of violence or discrimination because of their distinct ethnic and religious identity. In case of violence due to Sabean-Mandaeans being perceived as wealthy, there would be in general no nexus to a ground for persecution.

3.10.5. Palestinians

Last update: June 2022

The analysis below is based on the following EUAA COI report and query: Targeting 2019, 3.4.1; Palestinians in Iraq 2021. Country Guidance should not be referred to as source of COI.

The Palestinian population in Iraq, in 2020, was estimated between 4 000 to 10 000 people, most of whom lived in Baghdad. They were living either in refugee camps or in the general community.

Step 1: Do the reported acts amount to persecution?

Some acts to which Palestinians could be exposed are of such severe nature that they would amount to persecution. As reported in 2020, most Palestinian refugees living in Iraq are Sunni Muslim and were therefore viewed with suspicion by Iraq's Shia Muslims. Being perceived as supporters of Saddam Hussein, hundreds of Palestinians in the country were arrested by coalition forces, while Shia militant groups were reported to target Palestinians, by killing and expelling them from predominantly Shia areas. As of 2021, Iraqi security forces had reportedly continued to carry out raids in search of suspected Sunni Islamist militants among Palestinians.

The severity and/or repetitiveness of other acts that Palestinians could be subjected to and whether they occur as an accumulation of various measures, should be considered. The legal status of Palestinians in Iraq remained unclear. This fact does not in itself amount to persecution; however, when it prevents access to public services this may reach the threshold for persecution. A change of their status in 2017 deprived Palestinians of some rights and it has further caused deterioration in their economic situation and restricted their freedom of movement. In December 2020, the Iraqi Parliament approved a legal amendment to the law on foreigners giving Palestinians who have resided in Iraq for a minimum of ten years the same rights as Iraqi nationals.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a Palestinian to face persecution should take into account **risk-impacting circumstances**, such as:

- **Home area:** Shia militant groups were reported to target Palestinians, by killing and expelling them from predominantly Shia areas. Various incidents against Palestinians refugees took place in Baghdad mainly based on the suspicion of being involved in terrorist activities.
- **(Perceived) links with former regime or (Sunni) militant groups:** As noted above, most Palestinian refugees living in Iraq are Sunni Muslim; this resulted in them being viewed with suspicion by Iraq's Shia Muslims and being accused of ISIL affiliation.
- **Lack of identity documents:** Palestinian refugees who do not have access to appropriate documentation are excluded from basic governmental services.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant under this profile, this persecution is highly likely to be for reasons of nationality. In some cases, it may also be for reasons of (imputed) political opinion, due to perceived support for former regime or Sunni militias (see 3.1. Persons perceived to be affiliated with ISIL).

Iraq is not an area of operations of United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and in most cases Article 12(1)(a) QD/QR would not be applicable ([9]).

3.11. Women and girls

The position of women and girls in Iraq is characterised by deeply engrained attitudes, strong cultural beliefs and societal structures that reinforce discrimination; gender-based human rights violations are common.

It should be noted that the different forms of violence against women in Iraq are often significantly interlinked. Therefore, the following subsections should be read in conjunction.

([9]) See also CJEU, M*ostafa Abed El Karem El Kott and Others v Bevándorlási és Állampolgársági Hivatal, C-364/11*, judgment of 19 December 2012; CJEU, Bolbol v Bevándorlási és Állampolgársági Hivatal, C-31/09, judgment of 17 June 2010.

3.11.1. Violence against women and girls: overview

Last update: November 2024

The analysis below is based on the following EUAA COI report: Country Focus 2024, 1.3. Country Guidance should not be referred to as source of COI.

Iraqi women have been subjected to various forms of violence and discrimination, which has exacerbated with the deteriorated security situation following the US-led 2003 occupation of Iraq and the resurgent influence of tribal and religious groups.

The Iraqi Penal Code grants husbands the right to discipline their wives and children and further provides mitigating circumstances for the sentence of honour killings (see 3.11.2. Women and girls perceived to have violated family honour). The Iraqi Federal Government has not yet adopted a law combatting domestic violence, and there is no law specifically criminalising spousal rape. On the other hand, the KRG has adopted a law on combating domestic violence, criminalising physical, sexual, psychological violence, and spousal rape and has repealed the article regarding the abovementioned mitigating circumstances.

Step 1: Do the reported acts amount to persecution?

Some acts to which women and girls could be exposed are of such severe nature that they would amount to persecution. More specifically, violence against women in Iraq, mostly perpetrated with impunity across the country, has continued to remain a serious and pervasive problem. Such violence has taken the form, among others, of sexual violence, domestic violence, honour crimes, forced marriage, trafficking in women and girls, and to a lesser extent, female genital mutilation (FGM). Such violations have been perpetrated by state and non-state actors, including family members, mostly as a result of tribal customary norms and practices prevalent within the Iraqi society. The penal code also permits perpetrators of rape or sexual assault to avoid prosecution or have their sentences supressed if they marry their victim. Women hosted in shelters have also received death 'sentences' from members of their tribes.

The severity and/or repetitiveness of other acts that women and girls could be subjected to and whether they occur as an accumulation of various measures, should be also considered. Although individual circumstances vary, Iraqi women across all levels of society have continued to face widespread discrimination in everyday life. Women are discriminated against by laws regulating, *inter alia*, freedom of movement, personal status, family, religion, labour, inheritance and criminal procedure. Social stigma in cases of domestic or sexual violence is also reported.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a woman or girl to face persecution should take into account **risk-impacting circumstances**, such as:

- **Perception of traditional gender norms in the family**: The risk of honour-based violence as well as of domestic violence is dependent on how the (extended) family, including the

husband, perceive the traditional gender norms. Sometimes families of survivors of rape even agree with the perpetrator to marry his victim to avoid social stigma.

- **Socio-economic situation**: Poor socioeconomic situation could render the applicant more vulnerable to abuses, such as sexual exploitation.
- **Home area**: Violence committed by family members to protect the 'honour' of the family or tribe is reported to be widespread and to occur across the whole country on a daily basis, regardless of ethno-religious background. From a legal perspective, the situation of women in the KRI is described as relatively better compared to the rest of the country. However, the implementation of reforms to combat the violence against women has been described as problematic. Tangible progress over the past two decades in the KRI has been limited and violence is in fact reported to be high and on the rise.
- **Religious and tribal background**: Tribal customary laws and practices within Iraqi society are seen as root causes for various forms of violence and violations of women's rights. When it comes to discriminatory measures, since religious groups have their own personal status courts responsible for handling issues related to marriage, divorce, and inheritance, women's rights may differ accordingly.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for a woman or a girl in relation to this overview, this may be for reasons of membership of a particular social group and/or religion. This may apply for instance to women victims of sexual abuse or women who have left a violent marriage. In both cases, such women may be stigmatised by the surrounding society because of their common background which cannot be changed (sexual abuse, leaving an abusive relationship).

Persecution may also be for reasons of religion. A draft Anti-Domestic Violence Law has been pending since 2012 in Iraq, being strongly opposed in parliament on the grounds that it would go against Islam, 'national values' and would be 'incompatible with Iraqi culture'.

3.11.2. Women and girls perceived to have violated family honour

Last update: November 2024

The analysis below is based on the following EUAA COI reports: Country Focus 2024, 1.6, 1.6.1; Arab Tribes 2023, 3.11. Country Guidance should not be referred to as source of COI.

According to Landinfo, honour-based violence refers to 'violence committed with the intention of restoring one's honour or the collective honour of the family, clan, or tribe.' Abuses and killings within the Iraqi society continue to occur on grounds of 'the wash of shame'.

Violations of honour that contravene tribal social norms and codes and that can spark honour-based violence against women or girls take place due to a range of reasons, such as seeking a partner of her own choosing; refusing an arranged marriage; seeking divorce against the will of the family or tribe; expressed sexuality of women; sexual relations or male contact outside marriage; flirtation or even rumours or suspicion of an offence, or if a girl/woman has texts/has correspondence 'deemed inappropriate' with a man who is not her husband; being a female victim of rape, sexual assault or kidnapping; 'shameful' dress or behaviour, including

on social media; showing disobedient behaviour to male relatives, elderly female relatives, or one's husband.

Step 1: Do the reported acts amount to persecution?

Honour-based violence, taking the form of physical violence and killings, amounts to persecution. More specifically, tribal resolutions to honour violations include arranged or forced marriage (see 3.11.3. Forced and child marriage), honour killing of women and/or the involved parties; nonlethal violence, forced suicide or contrived suicide, female-genital mutilation (see 3.11.4. Female genital mutilation/cutting), starving or poisoning, forced abortion, forced virginity testing. Such violations have been also reported against girls. Male family members who consider their honour damaged are usually the perpetrators, however female relatives may also be involved. Several cases of honour-based killings of women have taken place and have sparked public debate as well as protests across the country calling for laws to protect women from violence. The Iraqi Penal Code provides mitigating circumstances for the sentence for so called 'honour killings'.

The severity and/or repetitiveness of other acts that women and girls could be subjected to in relation to honour-based violence and whether they occur as an accumulation of various measures, should be also considered. Restricted freedom of movement or confinement, denial of basic rights, denial of personal autonomy, verbal abuse or abandonment have also been reported.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a woman or girl to face honour-based violence should take into account **risk-impacting circumstances**, such as:

- **Moral code violation**: The nature of the norm transgressed and the (perceived) gravity and potential repetitiveness of such transgression could impact the risk for honour-based violence.
- **Home area:** Honour killings occur more frequently in rural or poor areas.
  The KRG has adopted a law on combating domestic violence, criminalising physical, sexual, psychological violence, and spousal rape and has repealed the article of the Penal Code regarding the above-mentioned mitigating circumstances. However, the KRI also saw an increase in reports of women killed by male relatives.
- **Family, tribe and social environment:** Violence committed by family members to protect the 'honour' of the family or tribe is reported to be widespread and to occur across the whole country on a daily basis, regardless of ethno-religious background. Nevertheless, belonging to a more conservative environment could increase the risk of a transgression being perceived as violating the honour of the family. Yazidi survivors who refused to leave behind their children born of rape, are reported to have faced honour killings. Some minority communities, including Sabean-Mandeans and Yazidis, do not permit their members to marry outside their faith. Intolerance towards inter-sect/inter-faith marriage might also occur in circumstances when one spouse is a member of a tribe with perceived ISIL affiliation.

Step 3: Is there a ground for persecution?

Where a well-founded fear of persecution is substantiated for a woman or a girl under this profile, this may be for reasons of membership of particular social group. More specifically, such women or girls may be stigmatised by the surrounding society because of their common background which cannot be changed (past moral code violation) and/or a shared characteristic or belief that is so fundamental to identity or conscience that they should not be forced to renounce it (opposition to cultural, social or religious norms and the unwillingness to comply with them). Religion may also be a relevant ground as, often, such moral codes have a religious basis.

3.11.3. Forced and child marriage

Last update: November 2024

The analysis below is based on the following EUAA COI reports: Country Focus 2024, 1.3, 1.4.4; Arab Tribes 2023, 4.2.2. Country Guidance should not be referred to as source of COI.

Despite being criminalised, including in the KRI, the practices of forced marriages of women and girls have continued to occur.

Step 1: Do the reported acts amount to persecution?

Forced marriage to which women and girls in Iraq could be exposed is of such severe nature that it would amount to persecution. Child marriage is considered forced marriage, therefore, persecution. Women have been in practice used as commodities and collateral during the resolution of tribal conflicts, for example through forced marriage. Women who are subjected to *fasliya* (exchange or trading of women as compensation) have no right to divorce and are exposed to abuse and mistreatment. *Nahwa* (a male cousin is entitled to marry his female cousin or decide on whom she can marry) is also practiced. Rates of child marriage have steadily increased over the past 20 years, exacerbating the exposure to sexual and domestic violence. Furthermore, more frequently observed, the phenomenon of unregistered marriages, also called temporary or pleasure marriages, is widely misused for sexual exploitation, prostitution and trafficking.

The severity and/or repetitiveness of other acts that women and girls could be subjected to and whether they occur as an accumulation of various measures, should be considered. Lacking civil status, women in unregistered marriages face severe obstacles in accessing social protection and government services.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a woman or girl to face persecution, in relation to forced or child marriage, should take into account **risk-impacting circumstances**, such as:

- **Age:** Being of 'marriageable age' would affect the risk. The law sets the minimum age for marriage at 18, but it also allows a judge to permit girls as young as 15 to marry in certain cases. The minimum age for marriage in the KRI can be lowered to 16 under approval by

a legal guardian and authorisation by a judge. According to a 2021 study, 25.5 % of married women in Iraq were married before the age of 18, and 5.2 % before 15.

- **Home area:** In areas where tribal influence is stronger than government institutions, the tribal practice of *fasliya*, continues to exist. The practice of forced marriage decided by tribe, e.g. in the context of *fasliya* and of *nahwa*, remains in force in the southern provinces in particular.
- **Perception of traditional gender roles in the family and tribe:** The risk of forced marriage is dependent on how the (extended) family perceives the traditional gender norms. The tribe's coercion towards a family can be considerable, and a tribal *sheikh* can coerce the family to have their daughter getting married.
- **Socioeconomic situation of the family:** Poor people are the most likely to marry off their daughters to achieve reconciliation, in case of tribal conflicts. Furthermore, children of women without male support are reported to be particularly prone to different forms of exploitation, including child marriage.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for a woman or a girl in relation to forced and child marriage, this may be for reasons of membership of a particular social group. This may apply for instance to women or girls who refuse to enter in a marriage as they may be stigmatised by the surrounding society and/or be considered as violating the honour of the family because of their common background which cannot be changed (refusal to marry) and/or a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it (the right to choose whom to marry).

3.11.4. Female genital mutilation/cutting (FGM/C)

Last update: January 2021
Minor updates added: November 2024

The analysis below is based on the following EUAA COI report and query: Country Focus 2024, 1.3; FGM 2019. Country Guidance should not be referred to as source of COI.

Formally, FGM/C has been criminalised in the KRI but not in Federal Iraq.

Step 1: Do the reported acts amount to persecution?

FGM/C, still taking place primarily in northern Iraq, is of such severe nature that it would amount to persecution.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a woman or girl to face persecution in relation to FGM/C should take into account **risk-impacting circumstances**, such as:

- **Home area:** Older sources of 2016-2017, indicated that FGM was not limited to the KRI but was taking place also in the rest of Iraq. A source of 2023 reported that, outside the KRI, FGM/C was not common. While the practice of FGM continues to decline in the KRI, it

is still practiced in some rural communities. Its prevalence in the KRI is reported higher in the governorates of Sulaymaniyah and Erbil, while in Dohuk it is reported as rare.

- **Age:** The majority of FGM/C are performed on minors.
- **Ethnicity:** Kurdish women are the most affected by the FGM practice in Iraq. As reported in 2013, generally, Arab girls did not undergo FGM, however, studies showed that women living in Kurdish dominated areas in Kirkuk and Garmian to a certain extent suffered the practice as well.
- **Religion:** As reported in 2012, the practice was most common among Sunni Muslims, but it was also practised by Shia and Kaka'i.
- **Perception of traditional gender roles in the (extended) family:** As reported in 2016, the procedure could be decided on by a wide variety of persons e.g. the woman's husband, the husband's family, the woman's parents, the woman herself and by someone else. Many mothers who forced their daughters to undergo FGM reported that they carried out the procedure out of family pressure.
- **Level of education:** As reported in 2012, the level of education also played a role in the FGM rate.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for a woman or a girl in relation to FGM/C, this may be for reasons of membership of a particular social group. This may apply for instance to women not formerly subjected to FGM, as they may be stigmatised by the surrounding society for this exact reason. Religion may also be a relevant ground as tradition and religion were mentioned as the main reasons for practicing FGM/C.

3.11.5. Single women and female heads of households

Last update: November 2024

The analysis below is primarily based on the following EUAA COI reports: Country Focus 2024, 1.3.2; Targeting 2022, 7.3; some information included in the Targeting 2019 has also been added. Country Guidance should not be referred to as source of COI.

Living alone for a woman is not socially accepted in Iraq and such women face obstacles due to prevailing social, religious and cultural norms.

Step 1: Do the reported acts amount to persecution?

Being a single woman or a female head of household in Iraq enhances the risk for such women to be exposed to acts, which would amount to persecution, such as rape, sexual exploitation, trafficking. Both state and non-state actors have been perpetrators of such acts.

The severity and/or repetitiveness of other acts that single women and female heads of households could be subjected to and whether they occur as an accumulation of various measures, should be considered. Women without the support of a male member of their family or tribe often face stigmatisation from their families and from society. They are also vulnerable to economic insecurity.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a single woman or female head of household to face persecution should take into account **risk-impacting circumstances**, such as:

- **Personal status:** Even though divorce rates have increased in Iraq, divorced women, including in the KRI, still face stigma and discrimination, including the risks of losing their rights to child custody, property rights and financial support. They are also exposed to economic hardship and sexual harassment. Divorced and widowed women are reported to be exposed to sexual exploitation. Female-headed households, widows and single women also face additional obstacles, including legal impasses, in obtaining security clearance and/or documentation for themselves or their children.
- **Home area and residence:** Although the situation of single women is described as generally better in the KRI, conservative attitudes and traditional norms create several challenges for single women in the KRI as well. Women from female-headed households in IDP camps have been subjected to sexual violence, including rape and sexual exploitation by government forces and camp residents. Women in IDP camps have also adopted negative coping strategies.
- **Perception of traditional gender roles in the family or community:** The risk of persecution is dependent on how the (extended) family and surrounding society, perceive the traditional gender norms. Women who have been repudiated by their family and lack a social support network, are considerably worse off [Targeting 2019, 3.5.5].
- **Economic situation and education:** The situation of single women may vary depending on their level of education and on their financial independence. As reported in 2018 for the KRI, although it is possible for an educated woman with an income to live in a city on her own, as long as she does not have an honour conflict with her family, in practice that possibility has been reduced due to deteriorating societal restrictions and financial situation in the country.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for a woman or a girl under this profile, this may be for reasons of membership of a particular social group e.g. divorced women or widows, due to their common background which cannot be changed and distinct identity in Iraq, in relation to stigmatisation by society.

3.12. Children

This profile refers to nationals of Iraq and KRI under the age of 18.

In the following subsections, the focus is on specific circumstances that may increase the vulnerability and risk-exposure of children in Iraq.

3.12.1. Violence against children: overview

Last update: November 2024

The analysis below is based on the following EUAA COI report: Country Focus 2024, 1.4. Country Guidance should not be referred to as source of COI.

Children in Iraq have been exposed to various forms of violence. In June 2023, the Iraqi parliament introduced a draft child protection law which, if passed, would address issues such as child labour, exploitation, and abuse. While being described as 'a vital step' towards protecting children's rights, some provisions of the draft law are said to be vague, others in contravention of the articles of the Convention on the Rights of the Child, with omissions also noted regarding envisioned protections, particularly for girls.

Step 1: Do the reported acts amount to persecution?

Some acts to which children could be exposed are of such severe nature that they would amount to persecution. Violence against children, which can take different forms, is reported to be a significant problem. Iraqi federal law foresees that men may discipline their wives and children with certain limits. Furthermore, children and adolescents who were sexually exploited and trafficked have been often treated by the authorities, including in the KRI, as criminals instead of victims, with some of them being prosecuted for prostitution. Children in Iraq have continued to be affected by conflict-related violence, including being killed or injured by improvised explosive devices (IEDs) and explosive remnants of war (ERWs).

The severity and/or repetitiveness of other acts that children could be subjected to and whether they occur as an accumulation of various measures, should be considered. Stigmatisation against children victims of sexual exploitation as well as obstacles in accessing civil documentation have been reported.

For more information and guidance on different forms of violence against children, see also the different sub-profiles below.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a child to face persecution should take into account **risk-impacting circumstances**, such as:

- **Gender:** Girls may face different risks compared to boys. For example, FGM/C (see 3.11.4. Female genital mutilation/cutting) is relevant only for girls. On the other hand, child recruitment (see 3.12.3. Child recruitment) would be more relevant for boys.
- **Age:** Children of different ages may face different risks. For example, child marriage (see 3.11.3. Forced and child marriage) would be relevant for girls of older age.
- **Home area:** Children from specific areas might be associated with ISIL (see 3.1. Persons perceived to be affiliated with ISIL) and might be subjected to different risks based also on the security situation (see 4.3.3.a) Security situation in Iraq: recent events) in their home area.

- **Perception of traditional roles in the family:** The risk of persecution is dependent on how the family perceives the traditional roles, since, as seen above, fathers are allowed to discipline their children.
- **Socio-economic situation of the child and the family:** Children coming from poor families, such as families located in IDP camps, may be at higher risk of different forms of violence, including sexual exploitation.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for a child in relation to this overview, the individual circumstances of the child need to be taken into account to determine whether there is a nexus to a reason for persecution. For example, persecution of this profile may be for reasons of (imputed) political opinion (e.g. in case of perceived link to ISIL), and/or membership of a particular social group (e.g. honour violence against girls victims of sexual abuse may be due to their common background which cannot be changed referring to the past experience of sexual abuse and distinct identity in Iraq, in relation to stigmatisation by society; see 3.11.2. Women and girls perceived to have violated family honour.

3.12.2. Child labour and trafficking in children

Last update: November 2024

The analysis below is based on the following EUAA COI report: Country Focus 2024, 1.4.4; COI Update 2024, 3.6. Country Guidance should not be referred to as source of COI.

Iraq has made minimal advancement in efforts to eliminate the worst forms of child labour.

Step 1: Do the reported acts amount to persecution?

Trafficking in children, to which children in Iraq could be exposed, is of such severe nature that it would amount to persecution.

Child labour is reported as widespread and on the rise due to difficult economic conditions and ongoing conflicts, among other reasons. Some children are trafficked for forced labour, including forced begging, and commercial sexual exploitation. Not all forms of child labour would amount to persecution. An assessment should be made in light of the nature of the work and the age of the child. However, worst forms of child labour, such as work that is likely to harm the health, safety or morals of children would be considered to reach the severity of persecution([10]).

The impact of child labour on access to education should also be taken into account (see 3.12.4. Education of children and girls in particular). Other risks, such as involvement in criminal activities and trafficking, should also be considered.

([10]) International Labour Organization (ILO), Minimum Age Convention, C138, 26 June 1973, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138; Worst Forms of Child Labour Convention, C182, 17 June 1999, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a child to face persecution, in relation to child labour and trafficking in children, should take into account **risk-impacting circumstances**, such as:

- **Socio-economic status:** IDP and returnee children, undocumented children, children with disabilities, as well as children of women without male support are reported to be particularly prone to different forms of exploitation, including child labour and trafficking.
- **Gender:** The risk of sexual exploitation would be higher for girls compared to boys.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for a child in relation to child labour and trafficking in children, the individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.

3.12.3. Child recruitment

Last update: November 2024

The analysis below is based on the following EUAA COI report: Country Focus 2024, 1.4.1. Country Guidance should not be referred to as source of COI.

Child recruitment by multiple armed groups operating in Iraq had been reported, mostly in the past years. Efforts have been made by the government to prevent child recruitment.

Step 1: Do the reported acts amount to persecution?

Child recruitment amounts to persecution. Instances of child recruitment has been reported in Iraq. The UN verified a total of 32 cases of children (18 boys and 14 girls, as young as age 11) being recruited in 2022, 28 of whom were recruited by the PKK and 4 by ISIL. The UN has conditionally delisted the PMF for the violation of recruitment and use of children.

Young boys who were formerly recruited and who suffer from complex trauma or other medical conditions often do not have access to adequate rehabilitation, reintegration and mental health programmes, which exposes them to re-victimisation and re-recruitment.

Step 2: What is the level of risk of persecution?

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

The individual assessment of whether, **in exceptional cases**, there is a reasonable degree of likelihood for a child to face persecution in relation to child recruitment should take into account **risk-impacting circumstances**, such as:

- **Gender:** Child recruitment would be more relevant for boys.

- **Home area in relation to presence/influence of armed groups:** Recruitment by the PKK or ISIL could be relevant for areas where these groups are present. For ISIL presence see 2.4. Islamic State of Iraq and the Levant (ISIL) and for the PKK see 4.3.3.a) Security situation in Iraq: recent events.
- **Ethnic/religious background:** Kurds may be targeted by the PKK and Sunni Arabs by ISIL.
- **Age:** Being an adolescent or of 'fighting age' may put the applicant at risk.

Step 3: Is there a ground for persecution?

Where, in exceptional cases, well-founded fear of persecution is substantiated for a child in relation to child recruitment, the individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.

3.12.4. Education of children and girls in particular

Last update: November 2024

The analysis below is based on the following EUAA COI report: Country Focus 2024, 1.4.5. Country Guidance should not be referred to as source of COI.

The Constitution provides that primary education is mandatory in Iraq. However, almost 3.2 million school-aged children are reported to be out of school.

Step 1: Do the reported acts amount to persecution?

There are several barriers faced by Iraqi children in accessing education, including lack of sufficient educational facilities, use of schools as shelters by IDPs and costs of transportation and supplies. The general deficiencies in the educational system, and the limited opportunities for education cannot as such be considered persecution, as they are not the result of an actor's deliberate actions([11]). Therefore**, the threshold for persecution for children under this profile would be reached in exceptional cases**. Nevertheless, in case of deliberate restrictions on access to education, it should be assessed whether it amounts to persecution.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a child to face persecution in relation to access to education should take into account **risk-impacting circumstances**, such as:

- **Existence of identification documents:** Access to education is effectively impeded to children lacking civil documentation. The denial of documentation, which also leads to no access to basic education, may be linked to belonging to a minority (see 3.10. Religious and ethnic minorities) or perceived links to ISIL (see 3.1. Persons perceived to be affiliated with ISIL). See also 3.12.5. Children born under ISIL rule who lack civil documentation.

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

- **Gender:** Girls face additional barriers in accessing education due to socio-cultural norms, while girls forced into marriage are de facto excluded from accessing education.
- **Disabilities:** Children with disabilities are most at risk of being excluded from schools.
- **Socio-economic situation of the child and the family:** Approximately half of all displaced children are reported to be out of school. Significant barriers, such as traditional gender roles and norms, family's level of education, poverty and perceived protection concerns, limit girls' access to education, especially in territories formerly under ISIL's control.
- **Home area:** In some conflict affected areas, access to education for children is further hampered by continued insecurity. In some rural areas, girls are denied access to school by their families.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for a child in relation to education, the individual circumstances of the child should be taken into account to determine whether a nexus to a reason for persecution can be established. For example, in the case of denied identity documentation due to belonging to a minority group, nationality and/or race may be a relevant ground for persecution.

3.12.5. Children born under ISIL rule who lack civil documentation

Last update: November 2024

The analysis below is based on the following EUAA COI report: Country Focus 2024, 1.1.3, 1.4.3. Country Guidance should not be referred to as source of COI.

Hundreds to thousands of children born under ISIL rule or to foreign fathers were not registered at birth and lack civil documentation.

Step 1: Do the reported acts amount to persecution?

The severity and/or repetitiveness of acts to which children could be subjected and whether they occur as an accumulation of various measures, should be considered. More specifically, children who lack birth certificates in Iraq are reported to be stateless or at risk of becoming stateless. Statelessness, in itself, does not amount to persecution; however when it prevents access to public services, as is the case for some children born under ISIL, this may reach the threshold for persecution. Lack of birth certificates and other key civil documents limit children's access to government services and social protection, including enrolment to school, access to healthcare, housing, employment and social safety nets. Additionally, these children face restrictions of movement and are subject to stigmatisation, abuse and abandonment. Being a child should also be taken into account in the assessment whether the reported acts amount to persecution.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a child born under ISIL rule to face persecution should take into account **risk-impacting circumstances**, such as:

- **Family situation:** Women with perceived ISIL affiliation are required by the Iraqi government to provide evidence of a death certificate or detention of the father of the child. Since many men disappeared or died during conflict, such evidence is nearly impossible to obtain. In March 2022, courts across Iraq started to require DNA samples from up to three male paternal relatives to obtain a birth certificate or other civil documents for children. Such a process is reportedly lengthy and complex. For women with foreign ISIL-affiliated spouses, birth registration of children is impossible. Therefore, access to civil documentation is reportedly available only for a limited minority of families with perceived ISIL affiliation. See also 3.1. Persons perceived to be affiliated with ISIL.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for a child in relation to lack of civil documentation, this may be for reasons of membership of a particular social group, based on their common background (family situation) which cannot be changed, and due to their distinct identity in the context of Iraq in relation to their stigmatisation by the surrounding society.

3.12.6. Children without a care-taker

Last update: January 2021

This profile refers to children who do not have a parent or other adult family member who can take care of them in Iraq.

The analysis below is based on the following EUAA COI reports: Targeting 2019, 3.8.7; KSEI 2019, 4.1.1, 10.6; Internal mobility 2019, 4.3. Country Guidance should not be referred to as source of COI.

Step 1: Do the reported acts amount to persecution?

The severity and/or repetitiveness of acts that children without a care-taker could be subjected to and whether they occur as an accumulation of various measures, should be considered. More specifically, children born out of sexual violence by ISIL fighters have been abandoned by their mothers, often following tribal pressure. As reported in 2015, abandoned babies are 'alienated and despised socially'. The Iraqi state had few resources for orphan children, and the country's communities are too overwhelmed to handle their needs. Most of these children have been placed in the care of their extended families.

Being a child without a care-taker may also enhance the risk to be exposed to acts, which would amount to persecution, such as sexual exploitation, trafficking.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a child without a care-taker to face persecution should take into account **risk-impacting circumstances**, such as:

- **Existence of identification documents:** Possible lack of identification documents would enhance the risk for the applicant as they would be deprived of access to public services.

The denial of documentation, which also leads to no access to basic education, may be linked to belonging to a minority (see 3.10. Religious and ethnic minorities) or perceived link to ISIL (see 3.1. Persons perceived to be affiliated with ISIL). See also 3.12.5. Children born under ISIL rule who lack civil documentation.

- **Family situation:** Abandoned babies have been perceived as disgraceful or the product of illicit sexual relations, and therefore stigmatised. Children of unknown parentage were not easily accepted in Iraq.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for a child under this profile, this may be for reasons of membership of a particular social group. For example, persecution of abandoned children or children of unknown parentage may be due to their common background (family situation) which cannot be changed and distinct identity in Iraq, in relation to stigmatisation by society.

3.13. Persons living with disabilities([12]) and/or with severe medical issues

Last update: January 2021
Minor updates added: November 2024

The analysis below is primarily based on the following EUAA COI report: Targeting 2019, 3.7. Some information included in the Country Focus 2024 has also been added. Country Guidance should not be referred to as source of COI.

The Government of Iraq has ratified the UN Convention on the Rights of Persons with Disabilities and has adopted the Law No. 38 on the Care of Persons with Disabilities and Special Needs, including the establishment of a Commission for the promotion of respect and protection of the rights of people living with disabilities. However, people with disabilities are among the most vulnerable communities and often neglected in public discourse.

Step 1: Do the reported acts amount to persecution?

The Iraqi public healthcare system has severely deteriorated over the past two decades and has continued to be largely in crisis [Country Focus 2024, 2.1.1]. However, **the lack of personnel and adequate infrastructure to appropriately address the needs of individuals with (severe) medical issues fails to meet the requirement of Article 6 QD/QR** regarding the existence of an actor that inflicts persecution or serious harm, **unless the individual is intentionally deprived of healthcare([13])**. Therefore, **the threshold for persecution for individuals under this profile would be reached in exceptional cases.**

([12]) For the definition of persons with disabilities, see Art. 1 of the UN Convention on the Rights of Persons with Disabilities.
([13]) CJEU, *M'Bodj*, paras. 35-36. See also CJEU, *MP v Secretary of State for the Home Department, C-353/16*, judgment of 24 April 2018 (MP), paras. 57, 59.

Nevertheless, the severity and/or repetitiveness of other acts that persons living with disabilities and/or with severe medical issues could be subjected to and whether they occur as an accumulation of various measures, should be also considered. Persons with disabilities face a wide array of societal discrimination which hinders, prevents or impairs the full enjoyment of their rights and their full and equal participation in all aspects of society. Adults and children with disabilities are at a higher risk of violence than non-disabled. Children with disabilities are most at risk of being excluded from schools.

Step 2: What is the level of risk of persecution?

The individual assessment of whether, **in exceptional cases**, there is a reasonable degree of likelihood for a person with disability or severe medical issue to face persecution should take into account **risk-impacting circumstances**, such as:

- **Age:** Among others, children with disabilities are reported to be particularly prone to different forms of exploitation, including child labour, forced and/or child marriage, sexual exploitation, and trafficking [Country Focus 2024, 1.4.4]. Additionally, as of 2019, many children with disabilities dropped out of public school due to insufficient physical access to school buildings, a lack of appropriate learning materials in schools, and a shortage of teachers qualified to work with children with developmental or intellectual disabilities.
- **Nature and visibility of the mental or physical disability:** Those with mental illnesses could be particularly vulnerable to violence and discrimination.
- **Support network:** Having a family with negative perception towards the applicant could increase the risk.

Step 3: Is there a ground for persecution?

Where a well-founded fear of persecution is substantiated for an applicant under this profile, this may be for reasons of membership of a particular social group (e.g. persons with noticeable mental disabilities, due to their innate characteristic (disability) and distinct identity linked to their stigmatisation by the surrounding society).

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

Last update: November 2024

The analysis below is based on the following EUAA COI reports: Targeting 2022, 8.5, 8.6; Actors of protection 2018, 6.6; Arab tribes 2023, 1.1, 3, 3.9, 3.10, 5.1. Country Guidance should not be referred to as source of COI.

In the Iraqi context, tribes represent a cultural and social reality. Blood feuds are conflicts between tribes involving cycles of retaliatory killings. Tribal confederations and tribes are 'often cross-sectarian' and major tribes are composed of both Sunni and Shiite members. Due to the diversity of tribal structures and origins, geographical and sectarian divisions are not always clear-cut.

Step 1: Do the reported acts amount to persecution?

Acts to which persons involved in and affected by blood feuds in the context of tribal conflict could be exposed are of such severe nature that they would amount to persecution. More specifically, persons involved in blood feuds are at risk of revenge killing.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a person involved in blood feud to face persecution should take into account **risk-impacting circumstances**, such as:

- **Intensity of the blood feud and possibility of conflict resolution:** Blood feud is not considered a tribal conflict resolution mechanism as it happens precisely when tribal justice has failed. In cases of 'grave nature' such as murder or if a party is 'socially disadvantaged in various forms', that party might not accept to go through resolution process. When there is a revenge or counter killing, settlement becomes more complicated.
- **Social status of the tribes:** In Iraq, tribes can be viewed as 'social, economic, cultural, and at times political organizations', and have strength over the state socially, politically, and legally. Police and the judiciary are not independent of tribal influence.
- **Home area:** The practice of *thar* (revenge/blood feud) remains a common occurrence especially in southern Iraq. The existence of this cultural practice in Iraq has been observed even in large cities.
- **Gender:** Men could be at risk of revenge killings. Nevertheless, also women can be affected by blood feuds through other tribal practices against them. See also 3.11.3. Forced and child marriage.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant under this profile, this may be for reasons of race, as individuals are targeted because they are members of the tribe involved in blood feud. Furthermore, family members involved in a blood feud may have a well-founded fear of persecution for reasons of membership of a particular social group, based on their innate characteristic (i.e., being a member of the family) and due to the fact that families are known and may have a distinct identity in the surrounding society.

Exclusion considerations could be relevant to this profile, as persons involved in blood feuds may have been involved in excludable acts. See 7. Exclusion.

4. Subsidiary protection

Article 15 QD/QR

This chapter addresses the EU-regulated status of subsidiary protection. Where the applicant has not been found to qualify as a refugee, they may be eligible for subsidiary protection in accordance with Article 15 QD/QR.

The contents of this chapter include:

Under the section Article 15(a) QD/QR, the analysis focuses on the applicable EU legal framework and the factual circumstances surrounding the 'death penalty or execution' in Iraq.

The section on Article 15(b) QD/QR looks into the risk of 'torture or inhuman or degrading treatment or punishment' in relation to particular circumstances in Iraq.

Under the section Article 15(c) QD/QR, the analysis expands further and covers the different elements of the provision, looking into: 'armed conflict', 'qualification of a person as a 'civilian'', 'indiscriminate violence', 'serious and individual threat' (where further individualisation elements are discussed), 'qualification of the harm as 'threat to life or person'', and the interpretation of the nexus 'by reasons of'. The sub-section on 'indiscriminate violence' includes an assessment of the situation in each governorate in Iraq.

4.1. Article 15(a) QD/QR: death penalty or execution

Last update: June 2019
Minor updates added: November 2024

Article 15(a) QD/QR

The analysis below is primarily based on the following EUAA COI report: Targeting 2019, 1.17; some information included in the Country Focus 2024 and the COI Update 2024 has also been added. Country Guidance should not be referred to as source of COI.

As noted in the chapter 3. Refugee status, some profiles of applicants from Iraq may be at risk of death penalty or execution. In such cases, there could be a nexus to a reason for persecution falling under the definition of a refugee (see for example 3.1. Persons perceived to be affiliated with ISIL), and those individuals would qualify for refugee status. In cases where there is no nexus to a Convention ground, the need for subsidiary protection under Article 15(a) QD/QR should be examined.

As reported in 2019, death penalty was envisaged under the Iraqi Penal Code and could be imposed for a variety of offences, such as crimes against internal or external security and state institutions, acts of terrorism, kidnapping, rape, drug trafficking leading to death, prostitution, 'aggravated' murder, trafficking in human beings leading to death. The definition of 'terrorism' crimes under the Anti-Terrorism Law is broad and susceptible to wide interpretation. According to sources of 2014, the death penalty was also provided under the Military Penal Code and the Iraqi Internal Security Forces Penal Code, for example, for offences relating to failures to perform one's duties or surrendering military installations.

Executions of persons continued to be documented [Country Focus 2024, 1.1.3; COI Update 2024, 3.1].

As of 2019, the KRG had maintained the capital punishment, however, a *de facto* moratorium on executions was reportedly established since 2008. This was breached on two occasions in 2015 and 2016.

Previous reports also indicated that in areas under its control, ISIL committed executions and some of them may be considered as 'punishment', such as for refusal to join them or for transgressing the moral codes as set by ISIL and its strict interpretation of the *Sharia* law.

In some cases, the death penalty would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion grounds (Article 17 QD). Therefore, although the criteria of Article 15(a) QD/QR would be met, exclusion considerations should be examined (see 7. Exclusion).

4.2. Article 15(b) QD/QR: torture or inhuman or degrading treatment or punishment

Last update: November 2024

Article 15(b) QD/QR

As noted in the chapter Refugee status, some profiles of applicants from Iraq may be at risk of torture or inhuman or degrading treatment or punishment. In cases where there is no nexus to a ground, the need for subsidiary protection under Article 15(b) QD/QR should be examined.

4.2.1. Healthcare and socio-economic conditions

Unemployment and poverty are high across the country and large sections of the population. The Iraqi public healthcare system has severely deteriorated over the past two decades and has continued to be largely in crisis, facing a range of serious challenges [Country Focus 2024, 2.1.1]. However, **as such, the general unavailability of healthcare, education or other socio-economic elements is not considered as serious harm** meeting the requirements of inhuman or degrading treatment under Article 15(b) QD/QR in relation to Article 6 QD/QR, **unless there is intentional conduct of an actor**.

In some cases, the denial of documentation, which also leads to no access to basic services, may be linked to belonging to a minority (see 3.10. Religious and ethnic minorities) or perceived link to ISIL (see 3.1. Persons perceived to be affiliated with ISIL, 3.12.5. Children born under ISIL rule who lack civil documentation). In such cases, there could be a nexus to a reason for persecution falling under the definition of a refugee.

4.2.2. Arbitrary arrests, illegal detention and prison conditions

Special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions. When assessing the conditions of detention, the following elements may, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world.

In cases where the prosecution or punishment is grossly unfair or disproportionate, or where a person is subjected to prison conditions which are not compatible with respect for human dignity, a situation amounting to serious harm under Article 15(b) QD/QR may occur.

It should be highlighted that in some cases, there would be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. If nexus to a reason for persecution is not substantiated, Article 15(b) QD/QR would apply.

Reports have described detention facilities as seriously overcrowded and with poor infrastructure, including the facilities for juveniles. Children were not always separated from adult detainees. International human rights groups documented a wide range of torture and abuses in detention facilities run by the Ministry of Interior and, to a lesser degree, in facilities run by the Ministry of Defence and in facilities run by the KRG. In the KRI, the access of local and international organisations to detention facilities was also severely limited, rendering the monitoring of the situation almost impossible [Targeting 2019, 1.18; Actors of protection 2018, 6.5.3, 6.5.4].

Arbitrary arrests and detention continued to be reported in the recent years, especially against those perceived as opposing the state and state-affiliated actors. Unlawful detention of minority groups by PMF in Ninewa governorate was reported. Cases of abuses and torture by both security forces and PMF have been reported during arrests and pre-trial detention, especially targeting Sunni Arabs. Act of torture against LGBTIQ individuals, protesters and journalists have also been alleged. Individuals accused of ISIL affiliation have been kept in secret prisons [Country Focus 2024, 1.1.1, 1.1.2, 1.1.3, 1.2.1, 1.5]

In some cases, the arrest, dentention and imprisonement would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion grounds (Article 17 QD/QR). Therefore, although the criteria of Article 15(b) QD/QR would be met, exclusion considerations should be examined (see 7. Exclusion).

4.2.3. Criminal violence

A real risk of violent crime, such as abduction and murder would meet the requirements under Article 15(b) QD/QR. Where there is no nexus to a reason for persecution under the refugee definition, but there is a reasonable degree of likelihood for the individual to face violent crime, this risk would qualify under Article 15(b) QD/QR. Criminal activity in Iraq is widely reported. Actors such as PMF and tribes have reportedly engage in criminality [Security 2024, 1.4, 2.13, 2.14, 2.17].

4.3. Article 15(c) QD/QR: indiscriminate violence in situations of armed conflict

Article 15(c) QD/QR

This section focuses on the application of the provision of Article 15(c) QD/QR. Under Article 2(f) QD/ 3(6) QR in conjunction with Article 15(c) QD/QR, subsidiary protection is granted where substantial grounds have been shown for believing that the person would face a real risk of suffering serious harm defined as **serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict**.

Each element of the provision is addressed in a separate subsection.

The contents of this section include:

Preliminary remarks

4.3.1. Armed conflict (international or internal)

4.3.2. Qualification of a person as a 'civilian'

4.3.3. Indiscriminate violence

4.3.4. Serious and individual threat

4.3.5. Qualification of the harm as a 'threat to (a civilian's) life or person'

4.3.6. Nexus/'by reason of'

Preliminary remarks

Last update: November 2024

In armed conflicts, the targeting of civilians may have nexus to one of the reasons for persecution according to the refugee definition. Therefore, refugee status may be granted. Such targeted violence, furthermore, would not be considered 'indiscriminate'.

a) Reference period

The following assessment is primarily based on the EUAA 'Iraq: Security situation', published in May 2024 and concerning the reference period 1 February 2023 – 31 March 2024. Some indicators, mainly referring to data, are also updated with information concerning the period 1 April – 31 July 2024 based on the COI Update 2024. Background information regarding the different conflicts in Iraq is also taken into account.

This guidance should be considered valid as long as current events and developments fall within the trends and patterns of violence observed within the reference period of the mentioned COI report. New events and developments that cause substantial changes, new trends or geographical shifts in the violence, may lead to a different assessment. The security situation in a given territory should always be assessed in light of the most up-to-date COI available.

b) Legal framework

All of elements under Article 15(c) QD/QR (Figure 1) have to be fulfilled in order to grant subsidiary protection in accordance with this provision.

Figure 1. Article 15(c) QD/QR: elements of the assessment.

Common analysis of the factual preconditions and guidance on the possible application of Article 15(c) QD/QR with regard to the situation in Iraq are provided below.

For general guidance on the country guidance approach to the assessment of subsidiary protection needs under Article 15(c) QD/QR, see 'Country Guidance: explained'.

4.3.1. Armed conflict (international or internal)

Last update: November 2024

Throughout the reference period, Iraq continued to be affected by various conflicts.

With the support of the US-led international coalition, the Iraqi government continued its battle against ISIL. In the period from 25 January 2023 to 25 January 2024, the number of

asymmetric attacks by ISIL declined but persisted, especially in Anbar, Baghdad, Diyala, Kirkuk, Ninewa, and Salah-al-din governorates. These attacks mainly targeted the ISF, who carried out counter-terrorism operations in response. Recently sources observed a resurgence of ISIL in Iraq.

The conflict between Turkish forces and the PKK continued, with operations conducted by both sides in northern Iraq. By the first week of July, Turkish forces had advanced 15 kilometres deep into the Kurdistan Region. Despite the announcement by President Erdogan of the imminent end of Türkiye's operations against the PKK in northern Iraq and Syria on 13 July 2024, such operations continued in the following weeks.

Furthermore, the resurgence of the Israel-Hamas conflict from October 2023 onwards led to renewed tensions between Iranian-backed PMF and US forces on Iraqi territory.

[COI references: Security 2024, 1.1; COI Update 2024, 2.1, 2.3]

Iraq is currently affected by multiple overlapping conflicts, in the meaning of Article 15(c) QD/QR: between the Iraqi government, supported by the US-led international coalition, PMF and other militia armed groups, and ISIL; between Turkish forces and the PKK; and between the Iranian-backed PMF and the US forces on Iraqi territory.

These conflicts affect different areas in Iraq at different degrees. See more under 4.3.3. Indiscriminate violence.

With regard to the governorates where confrontations and incidents take place, it has to be further examined whether the remaining criteria under Article 15(c) QD/QR are also cumulatively met.

4.3.2. Qualification of a person as a 'civilian'

Last update: November 2024

Being a civilian is a prerequisite in order to be able to benefit from protection under Article 15(c) QD/QR. The purpose of the provision is to protect only those who are not taking part in the conflict. This includes the potential application of Article 15(c) QD/QR to former combatants who have genuinely and permanently renounced armed activity.

Applications by persons from Iraq falling under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under Article 15(c) QD/QR. For example, members of:

- ISIL and associated groups;
- militant factions of ISIL remnants;
- other militant groups;
- ISF;
- PMF and other militia groups, including tribal militias;
- KRG forces;
- PKK.

See also the chapter 2. Actors of persecution or serious harm.

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

Exclusion considerations may also apply (see 7. Exclusion).

4.3.3. Indiscriminate violence

Last update: November 2024

The common analysis regarding the degree of indiscriminate violence combines quantitative and qualitative elements in a **comprehensive holistic assessment**.

For more information on the methodology and indicators used to assess the level of indiscriminate violence in country guidance documents, see 'Country Guidance: explained'.

a) Security situation in Iraq: recent events

Last update: November 2024

Situation in Iraq

From February to October 2023, Iraq experienced a phase of relative calm and stability - the most stable since the years prior to the 2003 US-led invasion - with a functioning government and a decline in the level of terrorist violence. However, as highlighted by the Stockholm International Peace Research Institute in March 2023, armed violence still continued in a 'sporadic, fragmented and localised' form in the country, which 'remained fragile and deeply divided'. As of April 2023, Iraq's security situation was described as complex and challenging, characterised by foreign as well as domestic violent threats.

The situation of the disputed territories contested by the KRG and the federal government of Iraq, remained unsolved. Prime Minister Sudani envisaged to withdraw national forces from the security headquarters in Kirkuk and hand over control to the Kurdish Peshmerga forces, but ethnic tensions within the city sparked violent protests in September 2023, leading to the suspension of the decision.

The situation in Iraq had become increasingly volatile amid the resumption of the Israel-Hamas' conflict in October 2023. Iraq was already experiencing rising US-Iran tensions, with Iran-backed militias targeting US personnel and local political adversaries on Iraqi territory, and US forces responding in reprisals. In October 2023, self-proclaimed armed groups known as 'Islamic Resistance in Iraq' targeted facilities hosting US military personnel, as well as members of the international coalition against ISIL, mainly in Anbar and Erbil governorates. In July 2024, US also struck a PMF base in Babil governorate.

Relations between the KRI and Iran have also been strained, as Iran has consistently accused the KRI of providing refuge to Iran Kurdish opposition groups and has in the past launched strikes on their camps. On 15 January 2024, Iranian ballistic missiles targeted a site in Erbil,

killing at least four civilians; IRGC alleged that the attack was aimed at an Israeli 'spy' site. An agreement of cooperation between the Iranian and the Iraqi governments was signed in March 2023 with Iraq pledging to prevent armed groups in the KRI from launching cross-border attacks against Iran.

[COI reference: Security 2024, 1.1, 1.3; COI Update 2024, 2.1, 2.3]

Presence, methods and tactics of actors

For a general overview of presence, methods and tactics of the ISF, PMF, KRG and ISIL involved in armed conflicts in Iraq, see 2. Actors of persecution or serious harm.

Türkiye established several military bases in northern Iraq, notably in Dohuk governorate and has regularly carried out airstrikes mostly in the shared border area but also deeper within the KRI, targeting PKK positions. In Sinjar district in Ninewa governorate, Türkiye repeatedly targeted the Sinjar Resistance Units (YBS), an affiliate of the PKK, as well as PKK fighters with drone strikes. Türkiye's military operations in the Kurdish region have been criticised for often affecting civilian lives and property, including by means of displacement. Since the start of a new military operation against the PKK in mid-June 2024, Turkish forces reportedly conducted 238 bombardments in the KRI, primarily in Duhok governorate.

The PKK, as of January 2022, had a presence in the north of Dohuk and Erbil governorates along the border with Türkiye, in the Qandil mountains along the border between the KRI and Iran, in the Asos mountains in Sulaymaniyah governorate, in Makhmur district and the Sinjar mountain range in Ninewa. In June 2023, the PKK declared an end to a ceasefire which had been implemented with Türkiye following the earthquake of February 2023. From August 2023 onwards, attacks carried out by the PKK on Turkish military positions or clashes between the PKK and Turkish troops were recorded on almost a monthly basis in northern Iraq.

US troops were stationed in Iraq, at the Ain Al-Asad Base in Anbar governorate, the Victory Base near Baghdad, the Hareer Base in Erbil governorate, and a base near Erbil International Airport. US military launched airstrikes targeted at leading members of the Shiite militias. Some US strikes caused casualties among PMF units leading to tensions between the Iraqi and US governments.

The surge in Iranian-backed groups' attacks on US targets in Iraq often involved drones and missiles, targeting the same locations in a single day. Drones have reportedly been the primary tool in these recent attacks, with their use more than doubling in 2023 compared to 2021 and 2022 combined. Meanwhile, the use of IEDs has fallen significantly, with only one reported IED attack against US targets in 2023.

Furthermore, in July 2023, ACAPS reported that, although security conditions had improved in the first half of 2023, the continued presence of landmines and ERW still posed challenges to movement and recovery efforts in some areas of the country. From February 2023 to 28 March 2024, Enabling Peace in Iraq Centre (EPIC), documented 76 IED and ERW incidents with civilian and non-civilian casualties. These 76 incidents resulted in 103 people injured, and 58 others killed.

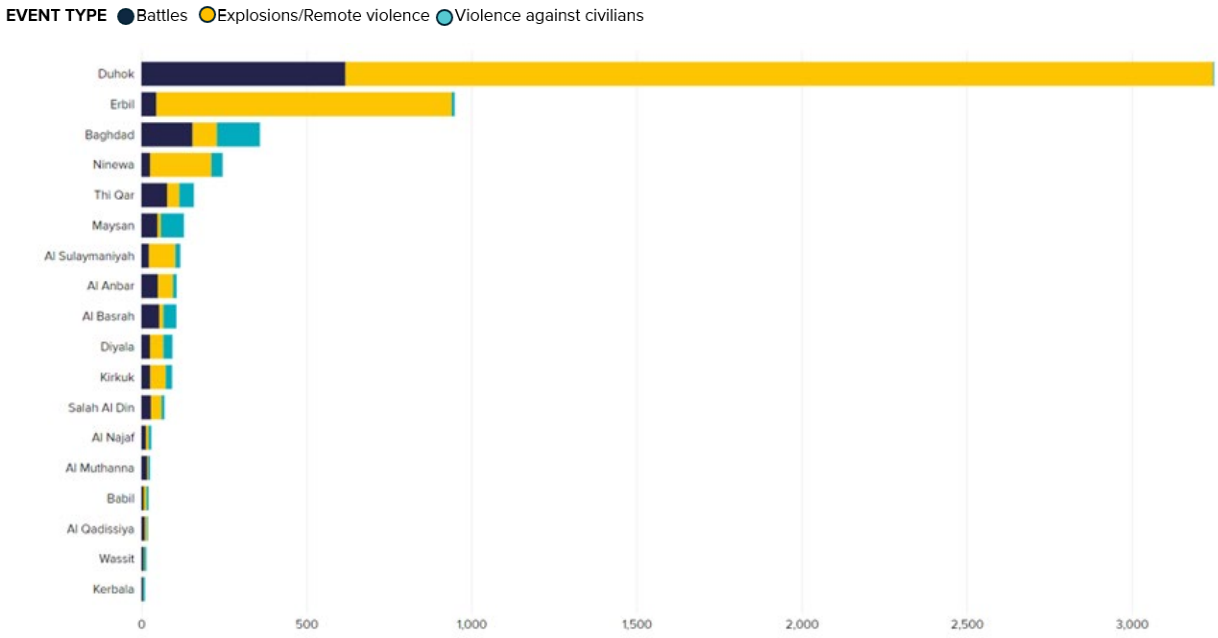
[COI references: Security 2024, 1.1, 1.3, 1.4, 1.5; COI Update 2024, 2.1]

Security incidents

Data concerning this indicator are primarily based on ACLED reporting from 1 February 2023 to 31 July 2024. Relevant reporting from other sources, including the UNAMI and UCDP, is also noted. Please note that different sources use different methodologies for the recording of incidents, therefore some discrepancies on data are to be expected. For more information on the methodologies of data collection see Security 2024, Sources.

According to the **ACLED** dataset, between 1 February 2023 and 31 July 2024 there were 8 366 security incidents recorded in Iraq: 1 670 were recorded as battles, 6 123 as explosions/remote violence and 573 as violence against civilians. Most security incidents were recorded in Dohuk (4 839), Erbil (1 436) and Baghdad (440) governorates.

Figure 2. Breakdown by governorate of number of security events recorded by ACLED between 1 February 2023 and 31 July2024.



The **UCDP**, for the period between 1 February 2023 and 31 July 2024, recorded 351 security events leading to fatalities in Iraq. The largest number of events were recorded in Dohuk governorate (82) followed by Erbil (35) and Sulaymaniyah (24) governorates. For 108 of the events recorded by the UCDP, the exact location within a governorate was not specified. Most of these events (100 out of 108) were reported in the Northern Kurdistan areas of Iraq.

For 1 February 2023 to 31 July 2024, **UNAMI** documented a total of 115 incidents.

Based on ACLED data, further calculations on security incidents per week in each governorate for the period 1 February 2023 - 31 July 2024 are also provided in section b.

[COI references: Security 2024, 1.5; COI Update 2024, 2.5]

Civilian casualties

Information concerning this indicator is primarily based on UNAMI reporting the period from 1 February 2023 to 31 July 2024, unless specified otherwise.

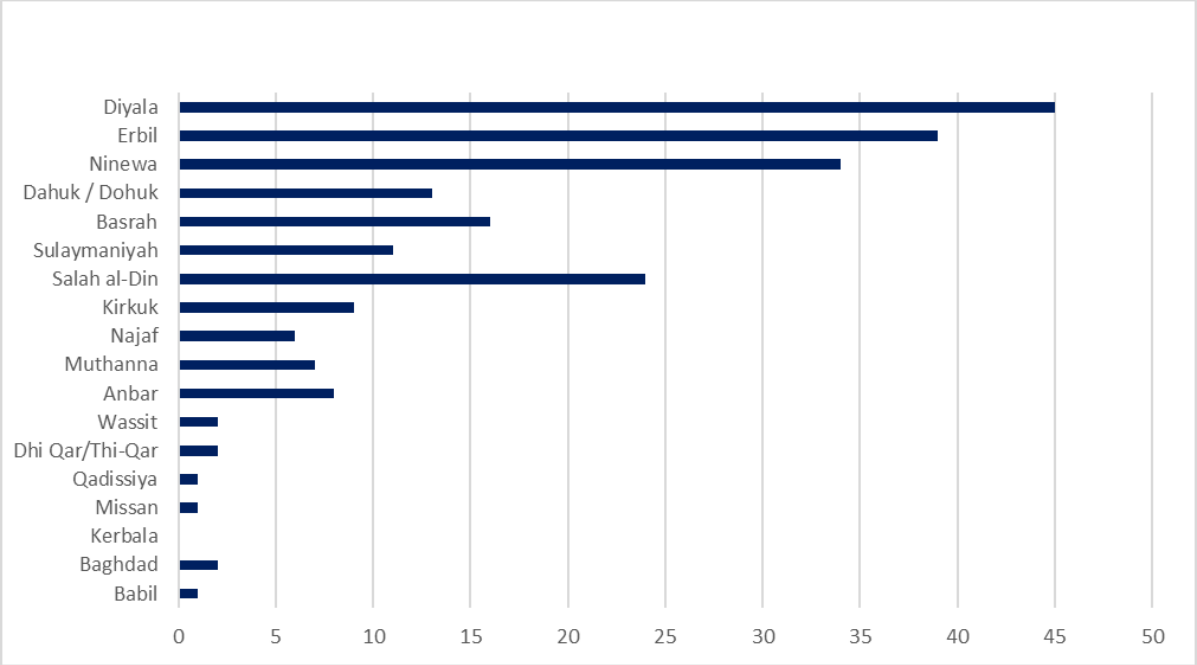
UCDP provides also data on the number of civilian deaths and on security events leading to fatalities. Iraq Body Count (IBC), an independent data project, also documents violent civilian deaths caused by US-led coalition forces, Iraqi government forces or paramilitary or criminal attacks by others in Iraq.

Please note that different sources use different methodologies for the recording of civilian casualties or fatalities, therefore some discrepancies on data are to be expected. For more information on the methodologies of data collection, see Security 2024, Sources.

In 2023, UNAMI documented at least 153 civilian casualties resulting from armed conflict-related incidents in Iraq, 57 % less than in 2022 and 81 % less than in 2021.

For the reference period (1 February 2023 and 31 July 2024), UNAMI documented a total of 115 incidents resulting in at least 221 civilian casualties, including 96 dead and 125 wounded. The majority of civilian casualties were caused by unexploded ordnances, ERWs, air attacks, mortars and rockets, and small arms fire.

Figure 3. Breakdown by governorate of number of civilian casualties recorded by UNAMI between 1 February 2023 and 31 July 2024.



For the period between 1 February 2023 and 31 July 2024, the **UCDP** recorded 351 events leading to 682 casualties out of which 58 were civilian deaths. The largest number of civilian deaths was recorded in the governorates of Diyala (22) and Salah-al-din (5). There were also 13 civilian deaths recorded by UCDP in the KRI. In 2023, **IBC** documented at least 537 civilian

deaths due to violence, 27 % less than in 2022. For the first three months of 2024, the same source documented 119 civilian deaths.

Based on UNAMI data, further calculations on civilian casualties per 100 000 inhabitants in each governorate for the period 1 February 2023 - 31 July 2024 are also provided in section b.

[COI references: Security 2024, 1.5; COI Update 2024, 2.5]

Conflict-related displacement

Information concerning this indicator is mostly based on IOM reporting.

In terms of various drivers of displacement, United Nations Economic and Social Commission for Western Asia in November 2023 described Iraq as an 'example of how conflict-induced migration compounds with other drivers such as water scarcity, the absence of cooperation around the management of limited water resources, lack of economic opportunities and environmental degradation'.

Years after the official defeat of ISIL in Iraq, more than 1 million Iraqis remain internally displaced, primarily in the KRI. As of 31 December 2023, the governorates hosting the largest numbers of IDPs were reported to be Ninewa (239 124 IDPs), Dohuk (235 251 IDPs) and Erbil (225 565 IDPs).

Although a general decrease in the number of IDPs across the country was reported, IOM documented 6 394 newly displaced persons during the period between September and December 2023. 93% of these cases involved IDPs experiencing secondary displacement. In terms of return, IOM identified 4 863 072 individual returnees, as of 31 December 2023. The governorates with the highest number of individuals returning were Ninewa (1 960 734 returnees) and Anbar governorate (1 548 936 returnees).

At the end of July, authorities announced to have postponed the closure of the IDPs camps in the KRI, which had been set for 30 July 2024. Many IDPs have reportedly been reluctant to leave despite the financial incentive, due to continuing violence in their hometowns, damaged infrastructures and lack of basic services. On 11 July, the last remaining IDP camp in Sulaymaniyah governorate was shut down.

[COI references: Security 2024, 1.5; COI Update 2024, 3.7]

Further impact on civilians

Years of insecurity have resulted in significant damage to infrastructure. In the reference period, wildfires resulting from aerial bombardments were reported and local residents complained of aerial attacks causing destruction of agricultural land and farms.

Despite reconstruction efforts, the need for humanitarian assistance persisted in Iraq, particularly for those returning to remote, disputed areas with few services. In a report of August 2023 focusing on Ninewa governorate, IOM described the destruction of homes as a

major obstacle for IDPs to return to their places of origin. In April 2023, Iraq's Prime Minister launched a reconstruction campaign in Sinjar, allocating 50 billion Iraqi dinars [approximately 35.3 million EUR] to the project. However, ongoing disputes between the Iraqi central government and the KRG have stalled the use of previously allocated funds. As a result, damaged infrastructure and inadequate services continued to hinder the return of IDPs.

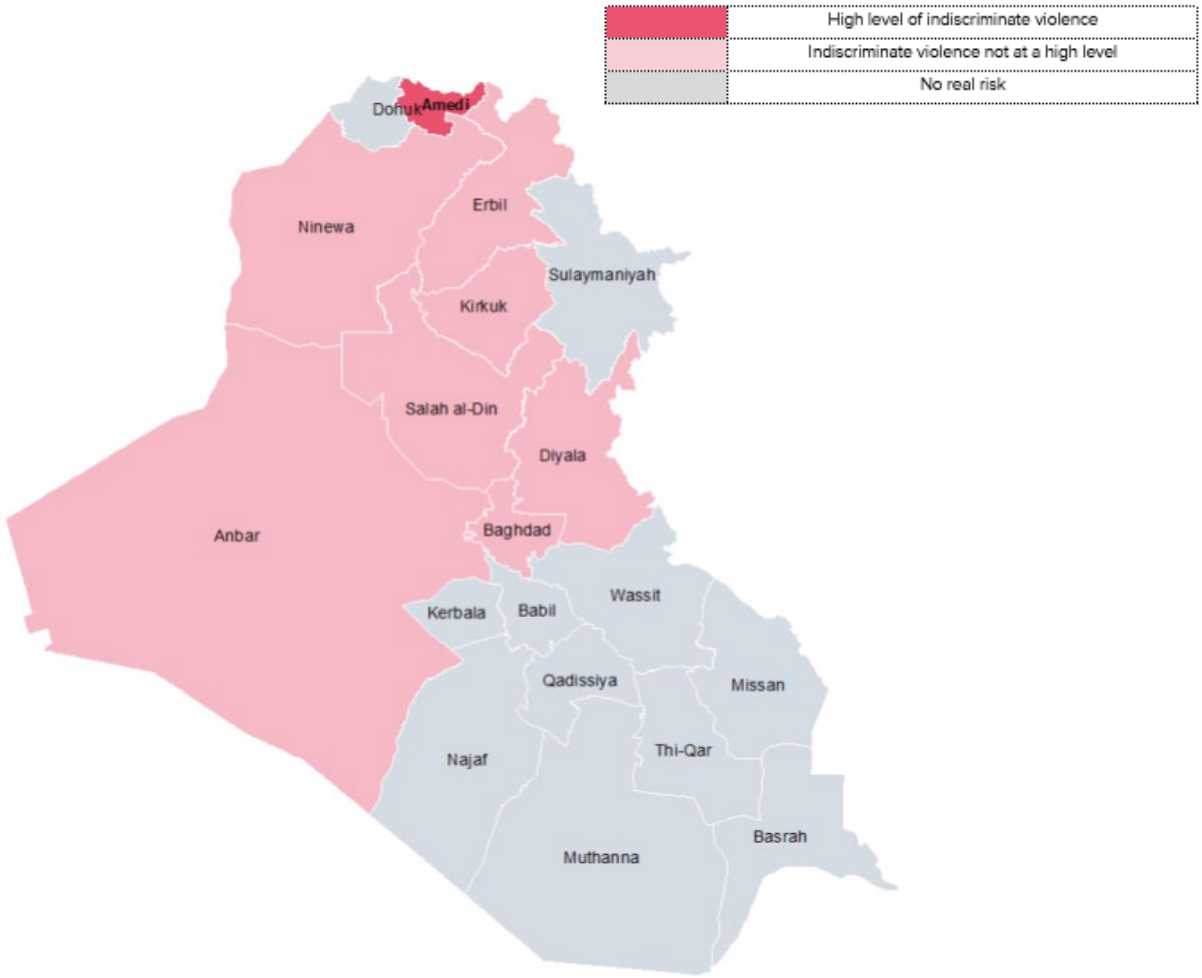
[COI reference: Security 2024, 1.5]

b) Assessment of indiscriminate violence per governorate

Last update: November 2024

The map below summarises and illustrates the assessment of indiscriminate violence per governorate in Iraq.

Figure 4. Level of indiscriminate violence in Iraq (based on information up to 31 July 2024)



Mere presence

Areas where the degree of indiscriminate violence reaches such an exceptionally high level that substantial grounds are shown for believing that a civilian, returned to the relevant area, would, **solely on account of their presence there**, face a real risk of being subject to the serious threat referred to in Article 15(c) QD/QR.

Accordingly, additional individual elements are not required in order to substantiate subsidiary protection needs under Article 15(c) QD/QR.

No such areas have been identified in Iraq.

High level of indiscriminate violence

Areas where 'mere presence' would not be sufficient to establish a real risk of serious harm under Article 15(c) QD/QR, but where, **indiscriminate violence reaches a high level**.

Accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the area, would face a real risk of serious harm in the meaning of Article 15(c) QD/QR.

The areas assessed as belonging to this category as well as the main elements leading to this assessment are highlighted below.

Amedi district (Dohuk governorate)

The Türkiye-PKK conflict has significantly affected the northern border areas of Iraq. Airstrikes have been widely used by Turkish forces while IED attacks have been used also by the PKK. Civilians have been caught in the crossfire.

More specifically, Amedi can be considered the most violent district in Iraq. The vast majority of the significantly increasing security incidents recorded in Dohuk governorate (average of 62 incidents per week in the governorate) have taken place in Amedi district. The PKK has also carried out attacks against Peshmerga by means of rocket fire, armed assault, and a roadside IED in Amedi. The number of civilian casualties has decreased in Dohuk governorate (1 casualty per 100 000 inhabitants for the whole governorate) compared to previous years. Nevertheless, the conflict has led to the depopulation of entire villages in Mount Metin area in autumn 2023 and in Deraluk in early 2024. Civilian displacements in Amedi district continued in summer 2024 as a result of the conflict between Türkiye and the PKK.

Based on the number of incidents concentrated in the district of Amedi as well as the nature of violence (airstrikes, IEDs) and the reported displacement of entire villages it can be concluded that indiscriminate violence in Amedi district reaches a high level. It is

noted that the situation in this district is deteriorating and may lead to a different assessment based on most recent COI.

[COI references: Security 2024, 2.8 and 2.9; COI Update 2024, 2.5]

Indiscriminate violence not at a high level

Areas where indiscriminate violence is taking place, however **not at a high level**.

Accordingly, **a higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the area, would face a real risk of serious harm in the meaning of Article 15(c) QD/QR.

The areas assessed as belonging to this category as well as the main elements leading to this assessment are highlighted below.

Anbar governorate

The presence of pre-existing and new armed actors remained significant. As the US have continued to have a military presence in the Ain Al-Asad Airbase and carried out airstrikes, an increase in attacks targeting US forces has been reported in the governorate since October 2023, especially by groups belonging to the Islamic Resistance in Iraq. Moreover, ISIL maintained a sizeable presence in the governorate and continued to carry out asymmetric attacks and a number of operations targeting ISIL were carried out by the ISF. The number of security incidents in the governorate has remained relatively stable (1.8 incidents per week) and the recorded casualties have decreased compared to previous years (less than 1 casualty per 100 000 inhabitants).

Despite the long-standing presence of several armed actors, as well as the continuation of conflicts with relatively stable patterns in recent years, it can be concluded that indiscriminate violence in Anbar governorate is not at a high level.

[COI references: Security 2024, 2.6; COI Update 2024, 2.2, 2.5]

Baghdad governorate

Several armed actors were active in the governorate and involved in different long-standing conflicts. The number of security incidents (5.6 incidents per week) remained relatively stable compared to the previous years, while the number of civilian casualties has decreased (less than 1 casualty per 100 000 inhabitants). Tensions between Iran-backed militias and US forces escalated since October 2023. Iran-backed militias conducted attacks, using drones, IEDs, and rockets mainly against US personnel and allied forces. US launched airstrikes targeting Iran-backed militias military assets. South of Baghdad has been affected in this context. ISIL also carried out asymmetric attacks

against ISF, consisting in IEDs, small-arms ambushes or assassinations. Tarmiya district (North Baghdad) and northern Baghdad Belts have been particularly affected by ISIL's presence and ISF counter-terrorism operations. Internal PMF disputes were also reported. Security incidents were recorded in all districts of the governorate, with the highest number being documented in Al Adhamiya, Al Thawra and Al Risafa districts. The International Zone Area of Central Baghdad and Baghdad International Airport are relatively more stable areas compared to the rest of the city. During the reporting period, UNAMI did not record any civilian casualties in Baghdad governorate while UCDP recorded 3 civilian deaths therein.

Despite the multifaceted and long-standing conflicts characterizing the area, resulting in a significant number of, often targeted, security incidents, it can be concluded that indiscriminate violence in Baghdad governorate is not at a high level.

[COI references: Security 2024, 2.3; COI Update 2024, 2.2, 2.5]

Diyala governorate

Diyala governorate is characterised by the presence of several armed actors and of different conflicts, resulting in a tense security situation. In particular, territorial disputes, killings between Shiite groups in the context of rival militias, ISIL periodic asymmetric attacks and ISF anti-terrorism operations, including airstrikes, persist in the territory. Nevertheless, the number of security incidents (1.5 incidents per week) has decreased compared to the previous years as well as the number of civilian casualties (2 casualties per 100 000 inhabitants), some of them resulting from targeted violence. A very high degree of destruction and damages to houses and very limited government reconstruction efforts were also reported.

Despite the continuation of the long-standing conflicts in this governorate and considering the decrease of security incidents and civilian casualties, it can be concluded that indiscriminate violence in Diyala governorate is not at a high level.

[COI references: Security 2024, 2.4; COI Update 2024, 2.5]

Erbil governorate

Throughout the reference period, Turkish forces conducted ground and air attacks against PKK targets in the governorate. Although the security incidents recorded in Erbil (18.4 per week) are on the rise, the vast majority of them took place in Rawanduz district. The number of civilian casualties in the governorate has remained relatively similar to previous years (2 civilian casualties per 100 000 inhabitants). Turkish forces and the PKK were involved in the majority of events coded as battles and explosions/remote violence.

Despite the increase of security incidents and considering that the governorate generally has been under the stable control of the KDP, it can be concluded that indiscriminate violence in Erbil is not at a high level. It is noted that, at the time of writing, the

indiscriminate violence primarily affects the district of Rawanduz. This should be taken into account when assessing the protection needs of applicants from the governorate of Erbil.

[COI references: Security 2024, 2.9; COI Update 2024, 2.5]

Kirkuk governorate

Several armed actors are active in Kirkuk governorate. While the ISF and PMF Shia militias maintained their presence in these territories, ISIL also sustained a 'low-grade insurgency'. The group's attacks were asymmetrical in nature, as it conducted most operations using light weaponry and explosives (simple IEDs, targeted assassinations, small-arms ambushes). Kirkuk has witnessed a decrease in the number of both security incidents compared to previous years (1.6 per week) and in the number of recorded civilian casualties (1 casualty per 100 000 inhabitants); however, violence has persisted and is multifaceted, with several conflicts existing in the area for many years.

Despite the continuation of the long-standing conflicts in this governorate and considering the decrease of security incidents and civilian casualties, it can be concluded that indiscriminate violence in Kirkuk governorate is not at a high level.

[COI references: Security 2024, 2.5; COI Update 2024, 2.5]

Ninewa governorate

Ninewa's security situation has remained affected by several conflicts. Several of the governorate's territories belong to the northern Iraqi areas whose status is disputed between the KRG and the Iraqi central government. While ISIL sustained a 'low-grade insurgency' in the disputed territories, ISF carried out anti-terrorism operations and Turkish airstrikes targeting Kurdish *Asayish* and PKK-linked groups continued. The number of security incidents was comparable to previous years (4.6 per week) while the number of civilian casualties has decreased (1 casualty per 100 000 inhabitants). Security incidents were recorded in all governorate districts, with the large majority being documented in Aqra district, followed by Mosul and Sinjar. Reconstruction efforts have only started in Ninewa, and areas of the governorate are still cluster-munition contaminated.

Despite the long-standing territorial disputes and other persistent conflicts characterizing the area, often resulting in targeted attacks, it can be concluded that indiscriminate violence in Ninewa governorate is not at a high level.

[COI references: Security 2024, 2.6; COI Update 2024, 2.5]

Salah-al-din governorate

Salah al-din governorate is under the control of the Iraqi Army. The governorate witnessed a concentration of ISIL operations as the group sustained a 'low-grade insurgency'. ISF and PMF Shia militias are present in the territory as well. The recorded number of both security incidents (1.2 per week) and civilian casualties (1 casualty per 100 000 inhabitants) has decreased in the governorate compared to previous years. ISF and affiliated armed groups and ISIL were involved in the majority of events coded as battles and explosions/remote violence, while unidentified armed groups were mainly involved in incidents coded as violence against civilians.

Despite the continuation of the long-standing conflicts in this governorate and considering the decrease of security incidents and civilian casualties, it can be concluded that indiscriminate violence in Salah al-din governorate is not at a high level.

[COI references: Security 2024, 2.7; COI Update 2024, 2.5]

No real risk

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

This may be because the criteria for an armed conflict within the meaning of this provision are not met, because no indiscriminate violence is taking place, or because the level of indiscriminate violence is so low, that in general there would be no real risk for a civilian to be affected by it.

The areas assessed as belonging to this category as well as the main elements leading to this assessment are highlighted below.

Dohuk governorate (except Amedi district)

Türkiye has continued military operations in northern Iraq, conducting airstrikes against the PKK in Dohuk governorate. Turkish forces have also built new military bases in the governorate. Nevertheless, in the reporting period almost all security incidents occurred in the governorate were recorded in Amedi district (see above).

In light of the low number of security incidents in the governorate, apart from Amedi district, as well as the generally stable control of the KDP, it can be concluded that in Dohuk governorate there is no real risk for a civilian to be personally affected by indiscriminate violence. It is noted though that the situation in the northern parts of the governorate remains volatile due to the extension Türkiye's military operation.

[COI references: Security 2024, 2.8; COI Update 2024, 2.5]

Babil, Basrah, Kerbala, Missan, Muthanna, Najaf, Qadissiya, Dhi-Qar and Wassit governorates

The southern governorates of Iraq have generally been characterised by relative stability in the latest years. The most represented armed actors in these areas are the Iraqi Army, the police, PMF and, in some cases, armed political parties including the Sadrist Movement's Saraya Al-Salam and various tribes. Recent security trends include periodic tribal clashes (often driven by water shortages), hostilities between Shia groups and militias and some attacks carried out by unidentified perpetrators against civilians of certain profiles or against their properties. Further, attacks on Iraqi-contracted convoys transporting supplies for the international coalition against ISIL occurred in Muthanna and Qadissiya. The number of security incidents (average of 0.9 incidents per week for all southern governorates) is lower than in other governorates in central and northern Iraq and the number of civilian casualties also remains low (less than 1 casualty per 100 000 inhabitants). Criminality though remains an issue.

In light of the relative stability of the area, as well as the low number of security incidents and civilian fatalities, it can be concluded that in the southern governorates of Iraq there is no real risk for a civilian to be personally affected by indiscriminate violence.

[COI references: Security 2024, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18

COI Update 2024, 2.5]

Sulaymaniyah governorate

Sulaymaniyah is controlled by the PUK which also controls the governorate's Peshmerga and security forces, while maintaining its own police forces, *Asayish* forces and intelligence services. There was a reported presence of the PKK in the governorate and a very limited presence of ISIL in the KRI. The main security trends in the area include operations carried out by Turkish forces against PKK targets and anti-ISIL operations. With an average number of 2.1 security incidents per week, mostly targeting Turkish forces and PKK targets, the number of civilian casualties is less than 1 per 100 000 inhabitants.

In light of the generally stable control exercised by PUK as well as the low impact of the sporadic security incidents on the civilians, it can be concluded that in Sulaymaniyah governorate there is no real risk for a civilian to be personally affected by indiscriminate violence.

[COI references: Security 2024, 2.10; COI Update 2024, 2.5]

4.3.4. Serious and individual threat

Last update: November 2024

In the context of the 'sliding scale', each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant's case. Below are some indications concerning the relevant considerations and the nature of the assessment.

Indiscriminate violence, examples of relevant personal circumstances:

- **Age:** When assessing the risk of indiscriminate violence, age would be of particular importance in relation to the ability of the person to assess the risks. For example, children may not be able to assess the risk associated with contamination by unexploded remnants of war. Children may also not be in a position to quickly assess a changing situation and avoid the risks it entails. In some cases, elderly age may also impact the person's ability to assess and avoid risks associated with an armed conflict.
- **Gender:** When assessing the applicability of Article 15(c) QD/QR, it is difficult to ascertain whether and in what circumstances men or women would be at a higher risk in general. It would also depend on other factors, such as the nature of the violence in the area. For example, men may be at higher risk of violence targeting local markets, banks, governmental institutions, as they are the ones more frequently being outside the home and visiting such locations. On the other hand, general gender norms in Iraq suggest that women may have less information regarding the current security situation and the associated risks. Moreover, if the violence moves closer to the residence of people, e.g. in the case of airstrikes or ground engagements in populated areas, women may have a more limited ability to avoid it.
- **Health condition and disabilities, including mental health issues:** Serious illnesses and disabilities may result in restricted mobility for a person, making it difficult for them to avoid immediate risks and, in the case of mental illnesses, it can make them less capable of assessing risks. In other cases, such conditions may require frequent visits to a healthcare facility. The latter may have different implications related to the assessment of the risk under Article 15(c) QD/QR. Taking into account road security, this may increase the risk of indiscriminate violence as the person would be required to travel. It may also increase the risk when health facilities themselves are reported to be targeted. Moreover, if healthcare facilities are damaged and closed because of fighting, such an applicant may be at a higher risk due to the indirect effects of the indiscriminate violence as they would not be able to access the health care they need.
- **Economic situation:** Applicants in a particularly dire economic situation may be less able to avoid the risks associated with indiscriminate violence. They may be forced to expose themselves to risks such as working in areas which are affected by violence in order to meet their basic needs. They may also have less resources to avoid an imminent threat by relocating to a different area.
- **Knowledge of the area:** When assessing the risk of indiscriminate violence under Article 15(c) QD/QR, the relevant knowledge of the area concerns the patterns of violence it is affected by, the existence of areas contaminated by landmines, etc. Different elements may contribute to a person's knowledge of the area. It can relate to their own experience

in the area or in areas similarly affected by indiscriminate violence. For example, being born or having lived for many years outside the country can impact the applicant's ability to assess the risks in the area.

- **Occupation and/or place of residence:** The occupation and/or place of residence the person is likely to have if they return to their home area may also be relevant to assess the risk under Article 15(c) QD/QR. It may, for example, be linked to the need for the applicant to travel through areas where road incidents are often reported, or to frequent locations known to be particularly affected by the conflict.
- **Family members or support network:** the lack of family members or support network could affect the applicant's economic situation and place of residence/occupation and may also prevent them from being informed on risks relevant to the indiscriminate violence in a situation of an armed conflict.

Individual elements related to the above can exist in combination. Other factors may also be relevant.

4.3.5. Qualification of the harm as a 'threat to (a civilian's) life or person'

Last update: November 2024

Some of the commonly reported types of harm to civilian's life or person in Iraq include killings, injuries, abductions, retaliatory violence by the armed forces, forced displacements, explosive remnants of war, etc. A real risk of such serious harm would qualify as a threat to a (civilian's) life or person in accordance with the provision of Article 15(c) QD/QR.

4.3.6. Nexus/'by reason of'

Last update: November 2024

The interpretation of the causation 'by reason of' may not be limited to harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict. To a certain extent, it may also include the indirect effect of indiscriminate violence in situations of armed conflict. As long as there is a demonstrable link to the indiscriminate violence, such elements may be taken into account in the assessments, for example: destruction of the necessary means to survive, destruction of infrastructure, criminality.

5. Actors of protection

Article 7 QD/QR

The contents of this chapter include:

The State: Outlining and analysing the capacity of the Iraqi State and of the KRG to provide protection in accordance with Article 7 QD/QR;

Parties or organisations, including international organisations: analysing whether other parties or organisations could qualify as actors of protection under Article 7 QD/QR.

5.1. The State

5.1.1. Iraqi State

Last update: November 2024

The analysis below is primarily based on the following EUAA COI reports: Country Focus 2024, 1.1.3, 1.2, 1.3.1, 1.6; Security 2024, 1.4; Arab tribes, 1.1, 3.11, 5.2, Targeting 2022, 10.3. Country Guidance should not be referred to as source of COI.

The three executive, legislative, and judicial branches of the Iraqi federal government are designed to create a system of 'checks and balances'. However, in practice, as of 2018, the boundaries between the branches are 'blurred' [Actors of protection 2018, 3.] Iraq's legal system is pluralistic, encompassing the formal state judiciary, *Sharia* law, Islamic courts, and tribal law. This plurality creates challenges in uniformly applying the law. The tribal system plays a crucial role in local dispute resolution, filling gaps left by the weak state legal system. Sources describe Iraq's criminal justice as weak, citing several critical issues (e.g. limited resources, lack of independence and impartiality, corruption, political and sectarian interference). Nevertheless, when the interests of powerful groups are involved, state institutions have a limited capacity to provide protection or take action against them.

Therefore, **when assessing the availability of State protection, individual circumstances, such as home area, ethnicity, gender, social status, wealth, personal connections, actor of persecution and type of human rights violation must be taken into account**.

More specifically:

When the actor of persecution is the State, such as for some individuals falling under the profiles of 3.1. Persons perceived to be affiliated with ISIL, 3.4. Journalists and media workers, 3.3. Human rights and political opposition activists, protesters and other perceived critics of the authorities, it is presumed that **protection is not available**. The same applies when the actor of persecution is the PMF, and the group in question is considered a State actor.

In Baghdad and southern Iraq, the Iraqi State may, depending on the individual circumstances of the case, **meet the requirements of Article 7 QD/QR.** The Iraqi state, even at the time of ISIL resurgence, kept control of the southern governorates and these areas remained little affected by the conflict with ISIL. Iraqi security forces, including the PMF, have a strong presence in these regions, however, they can be subordinated to the political interests of certain groups. Operations to combat criminality, especially drug trafficking, have also taken place. The efficiency of the police forces, nevertheless, has been affected by both a widespread corruption and the shift to a more paramilitary role at the expense of traditional policing duties. Baghdad, even though more affected by the ISIL conflict than the southern governorates, also remained under the control of the Iraqi State. In 2018, police and military units in Baghdad were described as having the ability to respond to security incidents, terrorist attacks and criminal activities, although the capabilities and actual response of the authorities varied considerably due to lack resources, training, and forensic capacity. More recent reports indicate a strong presence of ISF, with Iran-backed PMF becoming increasingly more visible in the capital. Kata'ib Hezbollah (KH) was strengthening its control over part of the capital's territory by establishing checkpoints in different areas of Baghdad. US forces were also present in Baghdad, while political violence and civil unrest were 'frequent' in the capital.

In most other parts of northern and central Iraq, **the capacity of the State still remains limited and the criteria under Article 7 QD/QR would generally not be met**. Security conditions in areas liberated from ISIL significantly improved, prompting plans to transfer the responsibility for security in the city centres to the Ministry of Interior; however, the conflict has persisted. The PMF have dominated the security sector in the liberated governorates of Ninewa, Anbar and Salah al-din, where they have also sought to profit economically. Furthermore, some security gaps still exist, mainly in rural and desert regions and the situation in these governorates cannot be considered as fully stabilised.

The situation of the **disputed territories** remained unsolved, therefore **the criteria under Article 7 QD/QR would generally not be met** in these areas.

For **Shia Arabs in Baghdad and southern Iraq, the Iraqi State is in general considered able and willing to provide protection** that meets the requirements of Article 7 QD/QR, taking also into account that they form the majority in these areas. This is without prejudice to cases where State protection is considered not available due to individual circumstances.

Sunni Arabs were particularly subjected to abuses by state forces, including PMF. As indicated under 3.2. Sunni Arabs, it seems that persecution of Sunni Arabs would mostly derive from their potential perceived affiliation with ISIL. Therefore, **the availability of state protection is considered limited, but may in individual cases be available.**

State protection is generally not considered available for:

- **Members of minority religions and ethnicities**: Notwithstanding the recognition of freedom of religion and belief enshrined in the Iraqi Constitution, the legislative framework and customs reportedly favour the Muslim majority. Members of religious minority groups continue to experience social, political and economic disenfranchisement, along with prejudice and restrictions on their freedom of religion or belief. According to the United States Commission on International Religious Freedom,

the PMF are considered one of the most 'widespread and politically empowered impediments' to religious freedom in Iraq. See also 3.10. Religious and ethnic minorities.

- **Individuals considered to have committed blasphemy and/or apostasy, including converts and atheists**: Atheists have been prosecuted for blasphemy and other related charges however, blasphemy laws are rarely enforced. Apostasy is adjudicated under *Sharia* law. As reported in 2021, atheists are considered apostates and blasphemers and, as a result, face repression across Iraq, in a climate of impunity or collusion in violence by state actors.
- **Palestinians**: Most Palestinian refugees living in Iraq are Sunni Muslim and are therefore viewed with suspicion by Iraq's Shia Muslims. Palestinians in Iraq reportedly suffered persecution by coalition forces, Shia militant groups and Iraqi security forces [Palestinians in Iraq 2021]. See also 3.10.5. Palestinians.
- **Persons with diverse SOGIESC**: In April 2024 the Iraqi Parliament passed a law criminalising consensual same-sex relations. See also 3.7. Persons with diverse SOGIESC.
- **Victims of domestic or honour-related violence and gender-based violence, including harmful traditional practices**: The Constitution prohibits all forms of violence and abuse in the family. Nevertheless, effective state protection remained severely limited, including with regards to access to shelter and justice. Some women survivors of trafficking were tried and convicted for prostitution. Moreover, domestic violence or honour killings are rarely punished in Iraq and cases of sexual violence are hardly reported to the police. Perpetrators of gender-based violence are seldom prosecuted and lawyers assisting women victims of domestic violence are reported to be at risk of harassment. There is no law specifically criminalising spousal rape. In Iraq, tribal actors engaging in honour-based violence often operate without consequences, not only when it comes to women's issues, but in general. Political connections can grant impunity to those involved in tribal or clan violence. See also 3.11. Women and girls.

5.1.2. Kurdistan Regional Government (KRG)

Last update: November 2024

The analysis below is based on the following EUAA COI reports and query: Country Focus 2024, 1.3.1, 1.6; Security 2024, 1.4; COI Update 2024, 3.4; Arab tribes 2023, 1.1, 3.11; Actors of protection 2018, 8.3, 8.4.3. Country Guidance should not be referred to as source of COI.

When the actor of persecution is the KRI authorities, such as for some individuals falling under the profiles of 3.1. Persons perceived to be affiliated with ISIL, 3.4. Journalists and media workers, 3.3 Human rights and political opposition activists, protesters and other perceived critics of the authorities, it is presumed that, in areas under their control, **protection is not available**.

For other cases, **the KRG is, in general, considered to be an actor of protection meeting the requirements of Article 7 QD/ QR.** However, in areas heavily affected by the Türkiye-PKK conflict, KRG protection would remain limited.

In the KRI, the Kurdistan Judicial Council is independent of the Ministry of Justice; however, the executive branch reportedly 'politically influenced sensitive cases' according to USDOS in 2017. Judges were frequently appointed based on partisanship rather than merit or

independence. The Peshmerga have also historically been divided into forces under the KDP and forces under the PUK.

Recently, the US has pushed to move the partisan units under a joint MoPA command. However, there has not been much progress resulting in groups' operating procedures not being standardised or uniformed.

The KRG forces have maintained control over the KRI. However, some border areas have been characterised by increasing violence between Türkiye and the PKK. ISIL's presence in the KRI appears to be very limited.

Recent sources also indicate that Kurdish tribes have gained significant political and military power since the formation of the KRG, influencing administrative and institutional establishments. Increasingly more people are reported to solve their issue through tribal justice mechanism. Tribalism is also prevalent within the Peshmerga across the KRI.

For **persons with diverse SOGIESC**, KRG protection **is generally not considered available.** In September 2022, members of the Kurdistan regional parliament introduced the 'Bill on the Prohibition of Promoting Homosexuality,' which, if passed, would punish any individuals or groups advocating for LGBTIQ rights. See also 3.7. Persons with diverse SOGIESC.

In certain individual circumstances**, KRG may be unable and/or unwilling to provide protection**, notably for:

- **Individuals considered to have committed blasphemy and/or apostasy, including converts and atheists:** One source reported that the KRG authorities cannot provide the converts constant protection against the possible threat posed by their own tribe. The source added that the KRG cannot control the affairs settled on the basis of tribal laws in the KRI [Atheism and conversion in the KRI 2019, 6]. See also 3.9. Individuals considered to have committed blasphemy and/or apostasy, including converts and atheists.
- **Victims of harmful traditional practices, honour-based and domestic violence:** The KRG formally adopted a law to combat domestic violence and repealed the Penal Code as part of these reforms. However, the authorities in the KRI have failed to protect women survivors of domestic violence. Reports indicate that violence against women remains high and is increasing. Among such acts of violence is the practice of traditional early and forced marriage. There has further been an increase in cases of women killed by male relatives for reasons such as converting to a different religion or identifying as transgender. In the KRI as in the rest of Iraq, political connections can grant impunity to those involved in tribal or clan violence. See also 3.11. Women and girls.

5.2. Parties or organisations

Last update: November 2024

In Iraq there is currently no party or organization meeting the requirements of article 7 QD/QR. More specifically, it is not possible to identify any other actor controlling the State or a substantial part of the territory of the State by exercising governmental functions and willing and able to provide protection against persecution or serious harm in an effective and non-temporary manner as defined in Article 7(2) QD/QR.

6. Internal protection alternative

Article 8 QD/QR

The contents of this chapter include:

Preliminary remarks
6.1. Part of the country
6.2. Safety
6.3. Travel and admittance
6.4. Reasonableness to settle

Preliminary remarks

Last update: November 2024

This chapter looks into the existence of internal protection alternative, in the cities of **Baghdad** and **Sulaymaniyah** specifically, in relation to the requirements of Article 8 QD/QR. These cities are important economic centres in Iraq. **This is without prejudice to the possibility to apply IPA to other places in Iraq.**

In order to determine that internal protection is available in a particular part of the applicant's country of origin, three cumulative criteria have to be met, namely '**safety**', '**travel and admittance**' and '**reasonableness to settle**'. In relation to these elements, when assessing the applicability of IPA, the decision-maker should consider the general situation in the relevant part of the country, as well as the individual circumstances of the applicant.

6.1. Part of the country

Last update: November 2024

When identifying the part of the country to be considered for IPA, the decision-maker should take into account factors related to individual circumstances, including, *inter alia*, the applicant's area of origin, existing ties with the proposed area of relocation, such as previous stay or residence and/or availability of a support network, and the ethno-religious background.

In general, in relation to the ethno-religious background of the applicant and the region they originate from:

- For individuals of **Kurdish ethnicity** IPA would primarily be assessed in the KRI.
- For **Arab** applicants, IPA would primarily be assessed in other parts of Iraq.

- In the case of **ethno-religious minorities**, IPA would primarily be assessed in the region where their communities are currently concentrated. Decades of conflict and violence severely affected the historical ethnic and religious diversity of the country and forced displacement has taken place. Recent COI on the religious and ethnic composition of the proposed IPA location needs to be taken into account in this regard.

6.2. Safety

Last update: November 2024

6.2.1. Absence of persecution or serious harm

When examining the element 'absence of persecution or serious harm', the decision-maker should refer to chapters 1 to 4 of this document.

When assessing the requirement of safety with regard to the applicability of IPA in individual cases of applicants from Iraq, the following elements should be taken into account:

▶ **General security situation in relation to indiscriminate violence**

Based on the analysis under 4.3. Article 15(c) QD/QR: indiscriminate violence in situations of armed conflict, it appears that the general security situation in the cities of Baghdad and Sulaymaniyah does not preclude an IPA to be found in those cities. A careful examination of the safety requirement with regard to IPA should however be performed, with regard to Baghdad in particular.

▶ **Actors of persecution or serious harm**

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

In case the applicant faces persecution or serious harm by **ISIL**, even though the operational capacity of the group has decreased in Iraq, it would be in general not safe to relocate in areas where the group continues to operate.

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

For certain particularly vulnerable individuals, such as some women and children, if the actor of persecution or serious harm is **the (extended) family, tribe or community** (e.g. honour crimes, *fasliya* marriage, FGM), taking into account the reach of these actors, the lack of State protection and their potential vulnerability to new forms of violence, the safety requirement would in general not be met.

For the presence and area(s) of activity of armed actors see 2. Actors of persecution or serious harm.

- **Behaviour of the applicant**

It is recalled that an applicant cannot be reasonably expected to abstain from practices fundamental to his or her identity, such as those related to religion or sexual orientation and gender identity, in order to avoid the risk of persecution or serious harm ([14]).

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

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

- **Other risk-enhancing circumstances**

The information under 3. Refugee status should be used to assist in this assessment.

6.2.2. Availability of protection against persecution or serious harm

Alternatively, it may be determined that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm, as defined in Article 7 QD/QR, in the area where IPA is considered. In the case of persecution by the State, a presumption of non-availability of State protection applies. See also 5. Actors of protection.

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

6.3. Travel and admittance

Last update: November 2024

The analysis below is based on the following EUAA COI reports and query: Security 2024, 2.3; 2.10; Country Focus 2024, 1.1.3, 2.1.2, 2.2, 2.3; COI Update 2024, 4. Country Guidance should not be referred to as source of COI.

If the criterion of 'safety' is satisfied, as a next step, it has to be established whether an applicant can **safely** and **legally travel** and **gain admittance** in the suggested IPA location.

([14]) CJEU, *X, Y and Z*, paras. 70-76; CJEU, *Y and Z*, para. 80.

It should be noted that, in the context of Iraq, the three requirements cannot be clearly differentiated.

- **Safe travel:** Some security incidents have been recorded in Baghdad and in Sulaymaniyah governorates, including at the proximity of the airports. However, this **does not preclude the safety of travel, in general**. The International Zone Area of Central Baghdad and Baghdad International Airport are relatively more stable areas than the rest of the city. The Turkish government has imposed a flight ban on Sulaymaniyah International Airport until December 2024.
- **Legal travel:** There are no legal restrictions for Iraqis to travel in Iraq, therefore, **the requirement of legality of travel would in general be met**, including for the cities of Baghdad and Sulaymaniyah.
- **Gain admittance:** The legal framework for entry and residency in Iraq is complex, regulations are not always implemented and updates or changes to them may not be publicly available. Practices vary depending on locations and implementing authorities. Sponsorship and security clearance requirements are not regulated by law nor are they officially announced. To pass checkpoints and regularise their stay in a certain location, individuals are required to hold valid civil documentation. The risk of being arbitrarily detained and arrested at checkpoints increases for people who do not hold such documentation.

The existence and/or possibility to issue relevant documentation, such as ID, security clearance, housing card etc., **is a crucial factor** to consider when assessing travel and admittance. It is also noted that to get relevant documentation, an applicant may be required to travel to their area of origin.

The assessment of whether the requirement of gaining admittance is likely to be met, should carefully take into account the individual circumstances of the applicant.

More specifically, for the two cities assessed as potential IPA locations, the following could be noted:

For **Baghdad**, there is no sponsorship requirement for entering the governorate. However, there are still certain residency requirements for individuals who do not originate from Baghdad governorate, regardless of their ethno-religious profile. Therefore, the assessment of whether the requirement of gaining admittance is likely to be met should carefully take into account the individual circumstances of the applicant, such as:

- **Existing social ties and having a potential sponsor:** Two sponsors from the neighbourhood where the individuals intend to reside, holding housing cards from Baghdad, are required as well as a support letter from the *mukhtar*.
- **Security clearance:** Individuals require approval from the security actors. Both real or perceived affiliation with ISIL would pose significant issues in this regard.

- **Housing Card:** Only the Housing Card issued in the new location ensures that the individual / family can permanently settle and have access to the full range of rights and basic services in the new location. In Baghdad, individuals who meet the requirements of sponsorship and security clearance are generally able to regularise their residency, rent an apartment, and have access to employment, public and private hospitals as well as tertiary education.
- **Other documentation:** Valid ID documents are required for residency purposes. Issuance or replacement of documents generally entails that the individual returns to their place of origin which could pose some risks depending on the profile of the applicant and the security situation in the area.

For **Sulaymaniyah,** there are administrative requirements and restrictions to both enter and reside in the city. Residency requirements in the KRI differ based on an individual's place of origin, ethno-religious profile, and family status. Certain individuals are not permitted to transfer or obtain a new Housing Card in the KRI; therefore, the assessment of whether the requirement of gaining admittance is likely to be met, should carefully take into account the individual circumstances of the applicant, such as:

- **Area of origin:** Iraqis from other KRI governorates generally face no entry requirements to Sulaymaniyah governorate, other than presenting their Civil Status ID Card/Unified ID Card.
- **Ethnic origin and family status:** For Iraqi Kurds and Yazidis from outside the KRI, there is generally no entry requirements or restrictions, other than presenting their Civil Status ID Card/Unified ID Card. Arab and Turkmen families from outside the KRI can obtain a one-year renewable residency card without a sponsor by contacting the local *Asayish* in their desired neighbourhoods. Single Arab and Turkmen individuals typically receive a one-month renewable residency permit, although in some cases, they may obtain a one-year renewable card from the *Asayish*. Those with a one-month permit often struggle to secure stable employment and face limitations in finding suitable rental accommodations.
- **Identification documents:** Presentation of Civil Status ID Card/Unified ID Card is required to enter Sulaymaniyah. To obtain or renew their CSID/UNID in Sulaymaniyah, individuals need to return to their place of origin. Individuals who arrive in the governorate via Sulaymaniyah airport must also approach the *Asayish* and the *mukhtar* in the neighbourhood where they seek to reside.
- **Security clearance:** Iraqi Arabs and Turkmens from outside the KRI undergo security screening at internal borders (not at airports). After this process, they are issued a temporary entry permit by the *Asayish*, known as the Tourist Visitor Card, which is valid for 30 days. Following this initial period of 30 days, they must regularise their status and obtain a residency permit (see above 'Ethnic origin and family status').
- **Housing Card:** Only the Housing Card issued in the new location ensures that the individual / family can permanently settle and have access to the full range of rights and basic services in the new location. Regardless of their place of origin and ethno-religious profile, all Iraqis have access to public education and health services in Sulaymaniyah. For people to access other rights and basic services, including employment and housing, they must regularise their stay with the *Asayish* and transfer their Housing Card. For single Arab and Turkmen men and women, as well as Kurds and Yazidis originating from

the disputed territories, the transfer of the Public Distribution System (PDS) is generally not permitted, as they must instead return to the place of origin to obtain the monthly food ration. Moreover, they are reported to face restrictions on types and location of rental accommodation.

6.4. Reasonableness to settle

Last update: November 2024

If the criteria of safety and travel and admittance are met, the next step in assessing the existence of an IPA in Baghdad or Sulaymaniyah is to consider the reasonableness to settle in light of the general situation in the city and the individual circumstances of the applicant. According to Article 8(1) QD/QR, IPA can only apply if the applicant 'can reasonably be expected to settle' in the area of internal protection under consideration.

6.4.1. General situation

Last update: November 2024

The analysis below is based on the following EUAA COI reports: Country Focus 2024, 2.1.1, 2.2.8, 2.3.8; Security Situation 2024, 2.1; Arab Tribes, 2.2; 3.1.6. Country Guidance should not be referred to as source of COI.

The general circumstances prevailing in Baghdad and Sulaymaniyah, in relation to food security, housing and shelter, water and hygiene, basic healthcare and means of basic subsistence, do not preclude the reasonableness to settle in these cities.

More specifically, in relation to:

- **Food security**: Iraq depends widely on imports of food to supply citizens with subsidised food from the Public Distribution System (PDS). All Iraqis are eligible to the PDS. To obtain a PDS card, it is necessary to present a civil ID and residency card.

  Reportedly, food prices have seen an unprecedented increase in Iraq, especially in the KRI. The rise in food prices negatively affected the food security at the household level. As of 1st August 2023, **Baghdad** rated as 4th top governorate with the highest prevalence of insufficient food consumption.

  As of 1st August 2023, **Sulaymaniyah** ranked 11th among the governorates with the highest prevalence of crisis or above crisis level food-based coping strategies.

- **Housing and shelter:** The country is reported to have a large housing deficit. Housing prices have increased in areas hosting many IDPs. As of December 2023, the IDP population in Iraq stood at over 1.14 million.

  Rents are increasing extremely across the country, including in **Baghdad**. Lack of housing led to a growing number of informal settlements, with Baghdad having the highest concentration of slums. Informal settlements are mostly substandard temporary structures, overcrowded and mostly lacking services and infrastructure. Most homes in

these settlements in Baghdad were built illegally, putting residents at risk of eviction. Repeated power cuts in southern Iraq, including Baghdad, affect peoples' lives and living conditions especially in summer, when temperatures rise above 50 degrees Celsius.

In **Sulaymaniyah**, the demand for housing was growing. In contrast to other regions in Iraq, the power system in Sulaymaniyah is more reliable, but electricity shortages are still common. People living in temporary shelters in IDP camps and in informal settlements are particularly impacted by the recurrent power cuts.

- **Water and hygiene**: Dirty and unsafe water is a major health hazard at country level.

  Accessing clean drinking water is one of the most pressing challenges in Iraq, including in **Baghdad**. Water contamination is the cause of an increase in disease cases, including in the capital city. The sewer system in Baghdad has been reported to be old and suffering from various deficiencies.

  The KRI, including **Sulaymaniyah**, faces water shortages and long periods of drought, causing threats to the population's general well-being. The lack of safe water, the poor sanitation and hygiene, triggered an outbreak of cholera in 2022, affecting several governorates including Sulaymaniyah and Baghdad.

- **Basic healthcare:** Over the past two decades, the quality and efficiency of the Iraqi public healthcare system have severely deteriorated. Iraqi free public health services require valid civil documentation, limiting access for those without ID documents. However, a survey found no link between missing documentation and healthcare access, with 94% of households reporting they could access healthcare regardless of their documentation status.

  Hospitals, doctors and other health services are heavily concentrated in urban areas. Disproportionately large numbers of doctors, healthcare professionals and beds are located in **Baghdad**. Most IDP camps in Baghdad have no health centre or medical teams to take care of emergencies, and people lacked the money to pay for private doctors.

  In the **KRI**, the quality and availability of healthcare is described as slightly better than in the rest of the country, however much of the capacity is concentrated in urban areas and several public hospitals were forced to suspend some services due to shortages of medical supplies and medications.

- **Means of basic subsistence:** After the sharp recession caused by the COVID-19 pandemic in 2020, Iraq's economy rapidly recovered in 2022 thanks to increase in oil-selling, resulting in accelerated GDP growth. Nevertheless, due to its strict dependency on oil, Iraq economy is highly instable and vulnerable to fluctuations of oil prices and global demand. Many IDPs and returnees in Iraq, in both urban and rural areas, often face challenges in accessing basic services and employment. The access to employment is dominated by nepotism along family, tribal, ethno-sectarian, and political lines.

  Unemployment, especially among young people and women, and poverty are high across the country and large sections of the population, including in **Baghdad**

governorate. Sadr City, a suburb of Baghdad, has been the city's poorest neighbourhood for decades, and the lack of economic opportunities in this neighbourhood forced the youth to rely on or join PMF groups. Moreover, the people from Baghdad's poorest neighbourhoods often depend on PMF for access to public and/or private services, jobs, bureaucratic approval, as well as aid support.

In **Sulaymaniyah**, according to the latest available data from 2021, the unemployment rate in the governorate remains high. The lack of employment opportunities, especially among young people, has been a push factor, forcing many to migrate (both rural-urban migration and emigration). Reportedly, poverty in KRI particularly affects the returnees to some governorates, including Sulaymaniyah.

The general circumstances prevailing in Baghdad and Sulaymaniyah as described above would not make it unreasonable to settle in the cities. However, a careful examination of the individual circumstances of the applicant is required.

6.4.2. Individual circumstances

Last update: November 2024

The analysis below is based on the following EUAA COI reports: Country Focus 2024, 1.2.1, 1.3.2, 1.4., 2.1.1, 2.3.1; KSEI 2020, 1.1, 1.6. Country Guidance should not be referred to as source of COI.

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

The individual considerations may encompass the ethno-religious background and potential vulnerabilities of the applicant as well as the availability of coping mechanisms. A non-exhaustive list of relevant considerations is provided below:

- **Ethno-religious background:** The ethno-religious background of the applicant and their linguistic knowledge are determinative when assessing the reasonableness of IPA in parts of Iraq. Members of ethnic and religious groups would face discrimination and difficulties relocating and assimilating into an area dominated by another group, especially without familial, tribal, or political networks. Members of religious minority groups continue to experience social, political and economic disenfranchisement along with prejudice and restrictions on their freedom of religion or belief.
- **Support network:** The availability, capacity and willingness of the family/social network to assist should be considered on a case-by-case basis. Recourse to non-State support networks represents the most frequent coping mechanism adopted by all categories of the population to access social protection and economic resources. Family connections play an important role in the Iraqi society, particularly in terms of finding employment and affordable housing. Personal connections are often a prerequisite for securing employment. Support networks are also linked to sectarian political connections, since political parties are the main vehicles through which accessing state resources, such as

jobs in the public sector, various social assistance schemes and all administrative services. Minority religious and ethnic groups typically often lack political networks.

- **Family status:** Basic subsistence has to be ensured for all immediate family members. Single individuals, in particular single women, may face difficulties to relocate and settle without a support network. Additional obstacles may be related to the family status of the woman, such as being a single mother or a widow, a wife or former wife of an ISIL fighter, etc. Generally, in Iraq, single men, especially those belonging to some ethnic minorities in some areas (e.g. Arab and Turkmens in KRI), are reported to face restrictions to rent a house.
- **Gender:** Women and girls in Iraq may be subjected to discriminatory restrictions and may need the support of a male family member in order to access different services and exercise certain rights. Women and girls encounter additional difficulties, such as in relation to education, work and housing. Prevailing social, religious and cultural norms remain obstacles for women living independently, especially for unmarried women. Women without the support of a male member of their family or tribe often face stigmatisation from their families and from society; they are vulnerable to economic insecurity and are at a higher risk of sexual exploitation and trafficking. Women and girls may also face restrictions on freedom of movement. Therefore, the gender of the applicant should be taken into account when considering reasonableness in conjunction with their family status and available support.
- **Age:** Young age as well as elderly age could significantly limit the applicant's access to means of subsistence, such as through employment, making them dependent on other providers, or exposing them to child recruitment and child exploitation. Therefore, this element should be seen in conjunction with the available support network. In the case of children, the best interests of the child shall be a primary consideration, for example with regard to access to civil documentation and basic education. For example, children of families affiliated with ISIL face challenges to access civil documentation, depriving them of access to education and putting them at risk of statelessness.
- **Civil documentation:** In Iraq, only the Housing Card, issued in or transferred to the individual's location, enables permanent settlement and grants access to full rights and basic services, including health, education, food rations, civil documentation, voting, employment, rental agreements, and property purchases. Certain groups in Iraqi society, such as IDPs, returnees, women (especially in female-headed households), children, the elderly, people with disabilities, and other marginalised groups, are particularly vulnerable and socio-economically disadvantaged. Those without identity or civil documentation face restricted movement, limited access to basic services and social security, and a higher risk of arbitrary arrest. Additionally, individuals perceived to be affiliated with ISIL encounter extra administrative and security barriers to obtaining civil documentation. Women's ability to access services may be further impacted by the difficulty to obtain death or missing person certificates for their husbands or fathers.
- **Health status:** The quality of, and access to healthcare is strained in various areas of Iraq, making therefore the health status of the applicant and any need for medical treatment an important consideration when assessing the reasonableness of IPA. Health status may also affect the ability to work and, for minors, it may affect their access to education. For persons with disabilities, access to basic subsistence such as through employment would be further limited.

- **Professional and educational background and financial means:** The professional background of the applicant, their level of education and available financial means should be taken into account when assessing the reasonableness of IPA, in particular access to basic means of subsistence. Corruption also affects the quality of basic services, and bribes may be required to access them.

These factors above would often intersect, leading to different conclusions on the reasonableness of IPA. In some cases, more than one element of vulnerability would indicate that IPA is not reasonable for the particular applicant (e.g. individual from an ethno-religious minority without a support network), while in other cases, the relevant factors may balance each other (e.g. elderly person with a support network).

6.4.3. Conclusions on reasonableness to settle

Last update: November 2024

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

Although settling in these two cities would entails certain hardship, such applicants would seem able to ensure their basic subsistence and have access to housing, shelter and hygiene, and basic healthcare.

In order to ensure their basic needs, **other profiles of applicants** would in general need a support network in the area of potential IPA.

7. Exclusion

Last update: November 2024

Article 12(2) QD/QR
Article 17 QD/QR

For general guidance on Exclusion, see EUAA Practical Guide: Exclusion and EUAA Practical Guide on Exclusion for Serious (Non-Political) Crimes.

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

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

In the context of Iraq, various circumstances may require consideration of the potential applicability of exclusion grounds. The QR/QD does not set a time limit for the application of the grounds for exclusion. Applicants may be excluded in relation to events occurring in the recent and more distant past, such as under the regime of Saddam Hussein (1968-2003).

More specifically, the need to examine possible exclusion issues in the context of Iraq may arise, for example, in cases of applicants also being former or current members of the groups cited below. This list is non-exhaustive:

- members of the Baath regime, such as Baath party members of a certain rank or level, intelligence services, members of the military, judicial and administrative institutions, including police officers and prison guards;
- insurgent and/or extremist groups (e.g. ISIL, Al-Qaeda);
- members of ISF and Peshmerga, intelligence services (e.g. *Asayish*) and other security actors;
- members of PMF;
- members of the PKK;
- members of Sahwa, a local counter-insurgency movement that cooperated with the US to expel al-Qaeda in Iraq;
- individuals involved in tribal feuds.

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

7.1. Exclusion based on the commission of international crimes

Last update: June 2022
Minor updates added: November 2024

Article 12(2)(a) QD/QR
Article 17(1)(a) QD/QR

The ground of 'crime against peace' would rarely arise in asylum cases. However, it may be of relevance with regard to high-ranking officials responsible for the invasion of Kuwait.

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

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

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

According to COI, especially (former) members of insurgent groups (e.g. ISIL), security actors (e.g. ISF, PMF, KRG forces), as well as Baathists, can be implicated in acts that would qualify as war crimes and/or crimes against humanity [Targeting 2019, Context, 1.2, 1.2.2, 1.2.3, 3.8.1].

Acts committed in the context of the conflicts below could be also relevant for Article 12(2)(a) QD/QR and Article 17(1)(a) QD/QR:

- Iraq - Iran war (international armed conflict, 1980 - 1988);
- Al-Anfal military campaign (1987 - 1988);
- invasion of Kuwait (international armed conflict, 1990 - 1991);
- Kurdish civil war (non-international armed conflict 1995 - 1998);
- invasion of Iraq (international armed conflict, 2003);
- armed conflict between ISF and insurgent groups (non-international armed conflict, as from 2004);
- sectarian conflict/civil war (non-international armed conflict post 2003);
- ISIL conflict (non-international armed conflict, 2014 - ongoing);
- Türkiye – Iraq conflict (international armed conflict, 2019 - ongoing).

[COI references: Security 2019, Annex I; Security 2024, 1.1, 1.3]

See more information on human rights violations committed by different actors under 2. Actors of persecution or serious harm.

7.2. Exclusion based on the commission of a serious crime

Last update: June 2022
Minor updates added: November 2024

Article 12(2)(b) QD/QR
Article 17(1)(b) QD/QR

Criminal activity in Iraq is widely reported, including kidnappings, assassinations, drug trafficking and trafficking in human beings. Such serious (non-political) crimes would trigger consideration of the application of Article 12(2)(b)/Article 17(1)(b) QD/QR.

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

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

7.3. Exclusion based on acts contrary to the purposes and principles of the United Nations

Last update: June 2022

Article 12(2)(c) QD/QR
Article 17(1)(c) QD/QR

(Former) membership in terrorist groups such as ISIL and Al-Qaeda could trigger relevant considerations and require an examination of the applicant's activities under Article 12(2)(c)/Article 17(1)(c) QD/QR, in addition to the considerations under Article 12(2)(b)/Article 17(1)(b) QD/QR. The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant's activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.

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

Annex I. Abbreviations and glossary

Term	Definition
ACLED	Armed Conflict Location & Event Data Project
Asayish	intelligence services of the KRG
CJEU	Court of Justice of the European Union
COI	country of origin information
CSID	civil status identification documentation
CTS	Counter Terrorism Service
EUAA	European Union Agency for Asylum
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), as amended by Protocols Nos. 11 and 14, 4 November 1950
ECtHR	European Court of Human Rights
ERW	explosive remnants of war
EU	European Union
Fasliya	a traditional practice, whereby family members, including women and children, are traded to settle tribal disputes
FGM/C	female genital mutilation/cutting
IBC	Iraq Body Count
ID	identification documentation
IDP(s)	internally displaced person(s)
IED	improvised explosive device
IOM	International Organization for Migration
IPA	internal protection alternative
IRGC	Islamic Revolutionary Guard Corps
ISF	Iraqi Security Forces
ISIL	the Islamic State of Iraq and the Levant, also known as the Islamic State of Iraq and Syria (ISIS), the Islamic State, or Daesh

KDP	Kurdistan Democratic Party
KRG	Kurdistan Regional Government
KRI	Kurdistan Region of Iraq – refers to Dohuk, Erbil, Sulaymaniyah governorates
LGBTIQ	LGBTIQ people are people: ▪ who are attracted to others of their own gender (lesbian, gay) or any gender (bisexual); ▪ whose gender identity and/or expression does not correspond to the sex they were assigned at birth (trans, non-binary); ▪ who are born with sex characteristics that do not fit the typical definition of male or female (intersex); and ▪ whose identity does not fit into a binary classification of sexuality and/or gender (queer).
Mukhtar	local community leader
PDS	Public Distribution System
Peshmerga	Military forces of the Kurdistan Region of Iraq
PKK	Kurdistan Worker's Party
PMF	Popular Mobilisation Forces
PUK	Patriotic Union of Kurdistan
QD (Qualification Directive)	Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted
QR (Qualification Regulation)	Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council
SOGIESC	Sexual Orientation, Gender Identity and Expression, and Sex Characteristics
Sharia	the religious law of Islam, Islamic canonical law
Takfir	an Arabic word meaning 'unbeliever'; extremist Islamist ideology employed by ISIL to declare individuals as apostates or impure, used against those who do not pledge allegiance.

UCDP	Uppsala Conflict Data Program
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNID	Unified identification documentation
UNRWA	The United Nations Relief and Works Agency for Palestine Refugees in the Near East
US	United States of America
UXO	Unexploded ordnances

Annex II. Country of origin information references

The main COI sources used in the common analysis are the following (listed alphabetically by reference used in the text).	
Actors of protection 2018	Country of Origin Information Report: Iraq, Actors of protection (November 2018) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/Iraq_Actors_of_Protection_2018.pdf
Arab Tribes 2023	Country of Origin Information Report: Iraq, Arab tribes and customary law (April 2023) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2023_04_EUAA_COI_Report_Iraq_Arab_tribes_and_customary_law.pdf
COI Update 2024	Country of Origin Information Query: Major political, security, human rights, socio-economic developments (August 2024) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2024_08_EUAA_COI_Query_Response_Q59_Iraq_Major_political_security_human_rights_socio_economic_developments.pdf
Country Focus 2024	Country of Origin Information Report: Iraq, Country Focus (May 2024) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2024_05_EUAA_COI_Report_Iraq_Country_Focus.pdf
Palestinians in Iraq 2021	Country of Origin Information Query: Iraq, Palestinians in Iraq (August 2021) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2021_08_Q21_EASO_COI_Query_Response_IRAQ_PALESTINIANS.pdf
FGM 2019	Country of Origin Information Query: Iraq, Information on the prevalence of Female Genital Mutilation (FGM) in Iraq, including the Kurdistan Region of Iraq (March 2019) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/IRQ_8.pdf
Sabean-Mandaean in Iraq 2020	Country of Origin Information Query: Treatment of Sabean-Mandean minority in Iraq (October 2020) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2020_10_Q26_EASO_COI_Query_Response_Iraq_Treatment_of_the_Sabean_Mandean_minority.pdf
KSEI 2020	Country of Origin Information Report: Key socio-economic indicators for Baghdad, Basra and Erbil (September 2020) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2020_09_EASO_COI_Report_Iraq_Key_socio_economic_indicators_Baghdad_Basra_Erbil.pdf
KSEI 2019	Country of Origin Information Report: Iraq, Key socio-economic indicators (February 2019) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/Iraq_key_socio-economic_indicators.pdf

Protesters 2020	Country of Origin Information Query: The protest movement and treatment of protesters and activists (October 2020) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/10_2020_EASO_COI_Report_Iraq_The_protest_movement_and_treatment_of_protesters.pdf
Security 2024	Country of Origin Information Report: Iraq, Security situation (May 2024) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2024_05_EUAA_COI_Report_Iraq_Security_Situation.pdf
Security 2019	Country of Origin Information Report: Iraq, Security situation (March 2019) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/Iraq_security_situation.pdf
Targeting 2022	EUAA Country of Origin Information Report: Iraq - Targeting of individuals (January 2022) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2022_01_EUAA_COI_Report_Iraq_Targeting_of_individuals.pdf
Targeting 2019	Country of Origin Information Report: Iraq, Targeting of individuals (March 2019) Available at: https://coi.euaa.europa.eu/administration/easo/PLib/Iraq_targeting_of_individuals.pdf

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