



## Asamblea General

Distr. general  
16 de febrero de 2011  
Español  
Original: inglés

### Consejo de Derechos Humanos

#### 16º período de sesiones

Tema 3 de la agenda

**Promoción y protección de todos los derechos humanos, civiles, políticos, económicos, sociales y culturales, incluido el derecho al desarrollo**

### **Informe del Representante del Secretario General sobre los derechos humanos de los desplazados internos, Walter Kälin**

Adición

#### **Visita al Iraq\* \*\***

#### *Resumen*

El Representante del Secretario General sobre los derechos humanos de los desplazados internos, Walter Kälin, realizó una visita oficial al Iraq los días 26 de septiembre a 3 de octubre de 2010.

El Representante expresó su satisfacción por los esfuerzos realizados por el Gobierno del Iraq y la comunidad internacional hasta la fecha para hacer frente al problema de los desplazamientos internos. Sin embargo, la magnitud y la complejidad de los desplazamientos internos en el Iraq exigen que esos esfuerzos se intensifiquen. El Representante recomendó que se formulara una estrategia global para tener en cuenta tanto las necesidades humanitarias inmediatas como los derechos humanos de las comunidades afectadas por los desplazamientos, y para aportar soluciones duraderas. Se calcula que alrededor de 1,5 millones de iraquíes siguen desplazados en el interior del país (desde 2006), y 500.000 personas, la mayoría de las cuales son, según las informaciones, desplazados internos, viven en una situación muy difícil en asentamientos precarios en Bagdad y otras ciudades.

También se debería elaborar y poner en práctica un plan de acción, en estrecha colaboración entre las autoridades federales y el Gobierno regional del Kurdistán con el fin de prestar asistencia a las 30.000 familias de desplazados internos que, según las

\* El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe, que figura en el anexo del resumen, se distribuye únicamente en el idioma en que se presentó y en árabe.

\*\* Documento presentado con retraso.

estimaciones, viven actualmente en la región del Kurdistán del Iraq, y de encontrar soluciones a más largo plazo. Además, el Representante destacó la importancia de reanudar el registro de los desplazados internos en todo el Iraq y de renovar la moratoria de los desalojos de los asentamientos improvisados hasta que se ofrezcan soluciones viables a largo plazo y alternativas para su alojamiento, de conformidad con la normativa internacional.

El Representante subrayó que la búsqueda de soluciones duraderas al desplazamiento en el interior del país, incluidos el regreso, la integración local o el reasentamiento en un lugar diferente, y la adopción de medidas para asignar tierras a los que no pueden regresar, es una parte esencial de la consolidación de la paz en el Iraq. Advirtió de la necesidad de que las autoridades federales y regionales se cercioraran de que los derechos humanos de los desplazados internos no se vean afectados por diversos factores políticos o económicos. Insistió en que algunas actividades, como la próxima preparación del censo nacional, no debían verse empañadas por consideraciones políticas. Hizo también un llamamiento al Gobierno del Iraq y a la comunidad internacional para que facilitasen suficientes recursos para afrontar los problemas de derechos humanos y los retos sociales generados por las diversas oleadas de desplazamientos registradas en el país y, en particular, que incluyesen las cuestiones relacionadas con el desplazamiento en todos los planes y programas de desarrollo pertinentes, incluido el próximo Plan Nacional de Desarrollo.

## Anexo

### Report of the Representative of the Secretary-General on the human rights of internally displaced persons on his mission to Iraq

#### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–2	4
II. General context.....	3–16	4
A. Political and socio-economic context.....	3–6	4
B. Human rights situation.....	7–11	5
C. History, scale and characteristics of internal displacement.....	12–16	6
III. Responses to internal displacement.....	17–27	7
A. Response by Iraqi authorities.....	17–22	7
B. Response by the international community.....	23–27	9
IV. Protection of internally displaced persons.....	28–61	10
A. Protection against forced displacement.....	28–35	10
B. Protection during displacement.....	36–54	12
C. Protection in the context of durable solutions.....	55–61	16
V. Conclusions and recommendations.....	62–71	18

## I. Introduction

1. In accordance with his mandate contained in Human Rights Council resolution 6/32, and by invitation of the Government of Iraq, the Representative of the Secretary-General on the human rights of internally displaced persons (the Representative), Walter Kälin, conducted an official mission to Iraq from 26 September to 3 October 2010. His main objective was to assess the current situation of internally displaced persons (IDPs) in Iraq and provide practical recommendations based on his findings during his visit. The Representative's conclusions and recommendations are based on the Guiding Principles on Internal Displacement (Guiding Principles, E/CN.4/1998/53/Add.2), which have been recognized by States as an important international framework for the protection of IDPs<sup>1</sup> and have been recognized by Iraq in its National Policy on Displacement as "part of international law".<sup>2</sup>

2. During the course of his visit, the Representative travelled to Baghdad and Erbil in the Kurdistan Region of Iraq. While in Baghdad he met with the Prime Minister, Nouri al-Maliki, the Minister of Foreign Affairs, Hoshyar Zebari, Minister of Human Rights, Wijdan Michail Salem, representatives of the Ministry of Displacement and Migration and the Implementation and Follow-up Committee for National Reconciliation and the Governor of the Baghdad Provincial Council. In Erbil, he met with the Deputy Prime Minister of the Kurdistan Regional Government (KRG), Azad Barwari, the Regional Government's Head of the Department of Foreign Relations, Felah Mustafa Bakir, and the Minister of Interior, Karim Sinjari. While a planned visit to Diyala had to be cancelled for security reasons, the Representative had the opportunity to visit a number of informal settlements in the Baghdad area and villages hosting IDPs in the Erbil area. He also met with representatives of various internally displaced communities, members of civil society and the international community. He is grateful for the fruitful exchanges with all of his interlocutors, which provided him with an understanding of the displacement situation inside Iraq, and wishes to express his sincere appreciation to the internally displaced persons who shared their experiences with him.

## II. General context

### A. Political and socio-economic context

3. The national parliamentary elections that took place in Iraq on 7 March 2010, seven years after the United States of America initiated military action against the former regime of Saddam Hussein, represent an important milestone in the country's democratic transition. However, at the time of the Representative's visit, the country remained in a political impasse following contested election results and the subsequent deadlock over the formation of a new Government. At the same time, American forces in Iraq had just been downsized to 50,000 transitional troops, due to leave by the end of 2011. It was a period marked by political and military transition, as well as uncertainty, which was beginning to affect the running of the country, six months into the elections.

---

<sup>1</sup> See General Assembly resolutions 60/1, 62/153 and 64/162; Human Rights Council resolutions 6/32 and 14/6.

<sup>2</sup> Iraq, Ministry of Displacement and Migration, *National Policy on Displacement* (July 2008), sect. 5.

4. Other significant domestic issues include the political deadlock with regard to Kirkuk in the North between the federal government and KRG over the division of power, management of oil resources and the implementation of Article 140 of the Iraqi Constitution in disputed territories.<sup>3</sup> At the time of the visit, preparations for a national census, which is to precede a national referendum, were under way.

5. Iraq's total population of an estimated 31 million persons is composed of a majority of ethnic Arabs, approximately 15–20 per cent Kurds, and another 5 per cent of other ethnicities. About 97 per cent of Iraqis are Muslim, roughly divided between 60–65 per cent Shia, 27–32 per cent Sunni, and 3 per cent Christians or other religions.<sup>4</sup>

6. The country's economy relies heavily on the oil sector, which provides over 90 per cent of the Government revenue. Despite improvements in the economy, gains at the macroeconomic level have not translated into improvements in the day-to-day lives of Iraqis whose low standard of living and lack of access to basic services have remained issues of concern.<sup>5</sup> Challenges include lack of structural reforms, weak development of the private sector, corruption, and high under/unemployment and poverty rates, which stand at 28 per cent and 25 per cent respectively.<sup>6</sup> The inter-sectarian and ethnic violence in 2006–2007 also deeply affected the Government's ability to deliver essential services and repair the country's damaged socio-economic infrastructure.<sup>7</sup>

## B. Human rights situation

7. Iraq is a State party to a number of key international human rights instruments, including the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of Racial Discrimination, and the Convention on the Rights of the Child. It has not, however, reported on these treaties in several years.<sup>8</sup> Iraq has also ratified the four Geneva Conventions of 1949, and has signed into law the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, although the process of accession has not been finalized.<sup>9</sup>

8. The 2005 Constitution of Iraq provides fundamental human rights guarantees including with regard to the rule of law, equality before the law, equal opportunity, privacy and judicial independence. National institutions to implement these rights, however, remain weak.<sup>10</sup>

<sup>3</sup> Article 140 envisages a process to address past injustices, allow displaced people to return or receive compensation and conduct a census followed by a referendum to determine whether citizens in parts of Ninewa, Kirkuk and other governorates wish to formally join the Kurdistan Region of Iraq.

<sup>4</sup> See International Monetary Fund data (on estimate of total Iraqi population in 2009) (available from [www.imf.org](http://www.imf.org)) and Internal Displacement Monitoring Centre (IDMC), *Iraq – Little new displacement but around 2.8 million Iraqis remain internally displaced*, 4 March, 2010, p. 21.

<sup>5</sup> Compilation prepared by the Office of the High Commissioner for Human Rights (A/HRC/WG.6/7/IRQ/2), paras. 39–43

<sup>6</sup> See United States Agency for International Development (USAID), "Iraq – Complex Emergency", Fact Sheet No. 2, 30 September 2010 and Central Intelligence Agency (CIA), *The World Factbook*.

<sup>7</sup> See report of the Secretary-General, S/2007/126.

<sup>8</sup> See [www.ohchr.org/ENG/countries/MENARegion/Pages/IQIndex.aspx](http://www.ohchr.org/ENG/countries/MENARegion/Pages/IQIndex.aspx).

<sup>9</sup> A/HRC/WG.6/7/IRQ/2, para. 1.

<sup>10</sup> *Ibid.*, paras. 6–7.

9. Despite improvements in the overall security situation since 2006, the situation in Iraq is still characterized by continued indiscriminate attacks against civilians, including religious and ethnic minorities, arbitrary arrests, alleged ill-treatment while in detention, and sexual and gender-based violence. Moreover, impunity is reported as being widespread, while access to justice is largely absent due to fear of reprisals, lack of capacity among rule of law institutions, corruption and lack of awareness of accountability mechanisms.<sup>11</sup>

10. In the Kurdistan Region of Iraq, while the security situation is considerably better than in the rest of the country, specific concerns have been raised with regard to, inter alia: serious violations of the rights of suspects and detainees by KRG authorities; sexual and gender-based violence; and the impact of anti-terrorism legislation on human rights, including specifically the practice of keeping persons in de facto unlimited administrative detention.<sup>12</sup>

11. In February 2010, Iraq was reviewed under the universal periodic review. In this context, the human rights concerns mentioned above, as well as the specific situation of IDPs were addressed. With regard to IDPs, the Government of Iraq has committed to:

(a) Strengthening policies and further seeking international cooperation to ensure the human rights of Internally Displaced Persons, including measures for their return or resettlement;

(b) Developing a national plan to provide assistance and compensation to internally displaced persons;

(c) Paying special attention to women from marginal groups who have been affected by armed conflict and displacement;

(d) Building mechanisms which would enable provision of adequate humanitarian assistance to the large number of internally displaced persons.<sup>13</sup>

### C. History, scale and characteristics of internal displacement

12. The scale and history of forced displacement in Iraq has created a complex situation, which continues to affect the search for durable solutions and to challenge assistance efforts. An estimated 4.6 million Iraqis, representing 15 per cent of the population, have been forcibly displaced within Iraq or in other countries, with an estimated 1.21 million internally displaced before 2006 and 1.55 million since then.<sup>14</sup>

13. Iraq has suffered various waves of displacement, including internal displacement, in its recent past due to armed conflict, sectarian violence and forced population movements associated with the former regime. These waves of forced displacement are often analysed as having taken place in three periods, namely: forced population movements under the former Ba'ath Government; displacement caused by armed conflict from the March 2003 invasion until the February 2006 Samarra bombing; and from February 2006 onwards –

<sup>11</sup> Ibid., para. 29; also United Nations Assistance Mission for Iraq (UNAMI), "Human Rights Report", 1 July–31 December 2009, pp. 2–4. Available from [www.uniraq.org](http://www.uniraq.org).

<sup>12</sup> A/HRC/WG.6/7/IRQ/2, paras. 53–55.

<sup>13</sup> Report of the Working Group on the Universal Periodic Review, A/HRC/14/14, paras. 125–128.

<sup>14</sup> Office of the United Nations High Commissioner for Refugees (UNHCR), "Iraq Operation, Monthly Statistical Update on Return", October 2010.

with the period from 2006 to 2008 marked by sectarian violence.<sup>15</sup> These waves are also commonly differentiated as “old” and “new” displacement movements.

14. In this report, the Representative focuses primarily on the situation of persons internally displaced since 2006. Between February 2006 and December 2007, displacement resulted mainly from sectarian conflict triggered by the bombing of the Al-Askari shrine in Samarra in February 2006, during which period close to 1.6 million people were internally displaced.<sup>16</sup> According to official Government statistics, an estimated 1.55 million persons (post-2006 IDPs)<sup>17</sup> have remained internally displaced in the country since then, with close to 573,000 persons living in Baghdad alone. While the Government recognizes the situation of earlier displacements, it has only registered displacement as of 2006.

15. In the Kurdistan Region of Iraq, there are an estimated 30,000 internally displaced families, with the most recent displacements having taken place in June 2010 owing to shelling along the border with Iran. This region has a long history of displacement, both before and after 2003, with various ethnic groups fleeing to the region during the inter-sectarian violence in 2006–2007, as well as displacements within the region itself.

16. Internal displacement rates in the country have declined markedly in the last two years, from 11,794 families displaced per month in 2006 to 98 families per month since October 2009.<sup>18</sup> As of 2009, displacement has been confined to sporadic incidents, such as the sectarian violence leading to the displacement from Mosul of 4,300 Christians in early 2010, cross-border tensions in the Kurdistan Region, eviction of IDPs in Kirkuk in August 2010 and natural disasters including floods and droughts which occurred at the end of 2009.<sup>19</sup> Furthermore, the Representative was informed that minority populations, such as Christians, Yazidis, Shabaks and Turkmen, who have historical ties to the disputed areas of Kirkuk and Ninewa, have been the targets of much of the sectarian violence in 2009 and early 2010. The general rate of internal displacement increased during the months of March and April 2010 in the context of the parliamentary elections and the political impasse which followed.<sup>20</sup>

### III. Responses to internal displacement

#### A. Response by Iraqi authorities

17. The Government of Iraq has taken a number of important measures to address the needs of IDPs, including commitments made during the universal periodic review in February 2010. During the course of his visit to the country, the Representative was also

<sup>15</sup> Between 1974 and 1991, large numbers of Kurds were displaced in the Northern Kurdish region by the Arabization campaign conducted by the Saddam Hussein regime. Some 343,000 persons, particularly Marsh Arabs, were displaced after the 1991 Shia uprising in South Iraq. An estimated 190,000 persons were displaced between 2003 and the end of 2005, largely as the result of military operations by the Multinational Force Iraq (MNF-I) and Iraqi units against armed insurgents, although many of these displacements were temporary in nature. *Iraq – Little new displacement*, p. 9.

<sup>16</sup> *Ibid.*

<sup>17</sup> This official figure has not taken into account IDP returns since the beginning of 2008, estimated at close to 435,000 persons by the end of August 2010. See UNHCR, “UNHCR Iraq: Fact Sheet, August 2010”.

<sup>18</sup> International Organization for Migration (IOM), “Review of Displacement and Return in Iraq”, August 2010, p. 2.

<sup>19</sup> *Iraq – Little new displacement*, pp. 9–10, and oral briefings by the United Nations Country Team (UNCT).

<sup>20</sup> “Review of Displacement”, p. 2; “Iraq – Complex Emergency”, p. 2.

encouraged to receive additional commitments from Government representatives in this regard, including in relation to the IDP registration process and the development of a national strategy to address internal displacement.

18. Within the Government, the Ministry of Displacement and Migration has a mandate to address IDP and refugee issues, and to coordinate related activities of a number of other line ministries such as the Ministry of Interior, Health, Education, Municipalities and Public Works, and Trade. The Ministry of Displacement and Migration played a crucial part in the development of a national policy on displacement and has extended its presence by establishing branches in most governorates, strengthened registration procedures and facilitated returns through its returnee centres. However, overall, its capacities remain limited.

19. The National Policy on Displacement launched in 2008, represents a significant step by the Government of Iraq, as do a number of other measures to facilitate return, reintegration and the restitution of property and increase budgetary allocations for IDPs. Approximately US\$ 170 million was allocated for IDP programmes in the 2010 budget.<sup>21</sup> Concrete measures addressing property issues include a number of ministerial orders and decrees<sup>22</sup> aimed at tackling key obstacles to returns, such as secondary occupancy and property restitution, and the establishment of two returnee centres (“Return Assistance Centres”) in Baghdad and one in Diyala, which assist returning registered IDPs and refugees who were displaced between 2006 and 2008.<sup>23</sup> To date, 3,800 properties which had been subject to secondary occupancy have been restored to their original owners.<sup>24</sup>

20. A particularly noteworthy development is the Diyala Return and Integration initiative, which is a joint effort by the Government of Iraq,<sup>25</sup> the Diyala governorate and the international community and the first integrated approach to ensuring sustainable returns and reintegration. The initiative, which targets 27,500 families, inter alia funds reconstruction and provision of basic services and has prioritized approximately 400 villages with high returnee populations, including those with mixed ethnic and religious groups. The Implementation and Follow-up Committee for National Reconciliation, with which the Representative met during his visit, emphasized the importance of the reconciliation component of the Diyala initiative and its integrated approach, which combines security, housing, basic services and livelihoods. A total of 3,000 housing units were built in 2009 and another 8,000 are planned; 20,000 temporary jobs in Diyala were provided for IDPs.<sup>26</sup> It is hoped that the Diyala model will be expanded to other areas, including three key return areas in Baghdad (Mada’en, Doura and Sabalbour) and to other governorates.

21. The Representative was also encouraged by a number of new measures with respect to internal displacement, announced during the course of his visit by Government representatives. These include: the development of strategies to address both the immediate needs of internally displaced persons and the search for durable solutions (by national authorities as well as KRG); the organization of a workshop with governorates aimed at

<sup>21</sup> As of September 2010, this budget had yet to be approved. *Iraq – Little new displacement*, p. 14.

<sup>22</sup> Prime Minister’s Order No. 101 facilitates the return of IDPs and refugees in Baghdad through restitution of illegally occupied properties; the Council of Ministers Order No. 262 provides registered returnee families with a grant of 1 million dinars (US\$840). “UNHCR Iraq: Fact Sheet, August 2010”.

<sup>23</sup> *Iraq – Little new displacement*, p. 292.

<sup>24</sup> Meeting with the Implementation and Follow-up Committee for National Reconciliation (IFCNR) on 26 September 2010.

<sup>25</sup> In September 2009, the Government of Iraq allocated approximately \$78 million towards this initiative, based on Order No. 54/S.

<sup>26</sup> Meeting with IFCNR.



addressing IDP-specific issues, including land allocations, reconciliation and local integration; and the reopening of registration for IDPs who had been unable to register previously. Other measures envisaged include efforts to secure further allocations of land for IDPs, the construction of housing complexes and the inclusion of IDP-specific questions in the context of the national census exercise.<sup>27</sup>

22. The Representative commends the Government for these measures envisaged. At the same time, he stresses the need to follow up on these initiatives by adopting plans to implement the National Policy on Displacement, appropriate legislation and adequate resource allocations for relevant programmes. He is concerned that, to date, the Government has not devoted sufficient attention and resources to finding durable solutions for all IDPs, and has neglected to address the situation of those among the displaced who have had to resort to living in informal settlements, for lack of alternative accommodation. He notes that the Iraqi Parliamentary Committee on Displacement and Migration has repeatedly appealed for more funds to address IDP issues and underlined the need to rectify the slow or lack of disbursements to IDPs and returnees, as well as to take measures which offer more adequate durable solutions to the displaced.<sup>28</sup> He is also concerned about the limited capacity of many of the Governmental actors, responsible directly or indirectly for internal displacement issues.

## **B. Response by the international community**

23. A total of US\$194 million were requested by the United Nations Country Team (UNCT) under the Iraq 2010 Humanitarian Plan. In addition to this sum, the United Nations High Commissioner for Refugees made a separate appeal amounting to US\$264 million, which includes \$144.5 million specifically for IDPs. Other assistance includes funds from the International Reconstruction Fund Facility for Iraq, bilateral assistance and other humanitarian and reconstruction support projects. Owing to lower than expected levels of funding in 2009, the UNCT reset its priorities for 2010, which include maintaining a rapid response capacity, providing area-based responses in 26 districts in Iraq and cross-sectoral themes such as displacement. International donor funding for humanitarian assistance in Iraq, of which the Government of the United States of America continues to be the single largest contributor since 2003, is expected to continue declining substantially owing to the general improvement in the humanitarian situation, a reorientation towards recovery and development activities, and an increased emphasis on bilateral rather than multilateral processes.<sup>29</sup>

24. The United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) have played leading roles in addressing displacement issues in Iraq. UNHCR, whose responsibility was extended to assisting IDPs in 2006, conducts Iraq-wide activities with partners to identify and respond to the immediate humanitarian and protection needs of the most vulnerable of the displaced. UNHCR coordinates the United Nations transitional efforts for the Diyala initiative together with the Government of Iraq and has established 14 “Protection and Assistance Centres”,<sup>30</sup> which include mobile teams providing services throughout the country, and seven “Return, Integration and Community Centres” in Baghdad and Diyala. Both types of

<sup>27</sup> Meeting with Ministry of Displacement and Migration on 26 September 2010. The Ministry noted that the Government had issued the decision to open statistical registration of IDPs in the context of the census, and that IDP-specific questions included questions pertaining to their former place of residence, reasons for leaving and their current place of residence.

<sup>28</sup> *Iraq – Little new displacement*, p. 14.

<sup>29</sup> *Ibid.*, pp. 302–303, 319.

<sup>30</sup> See UNHCR, “UNHCR Fact Sheet, September 2010”.

centres successfully increase outreach to affected communities by providing, inter alia, legal services, protection monitoring, needs assessments and social assistance services. In 2009, UNHCR launched its Non-Governmental Organization (NGO) Empowerment Scheme, which aims to strengthen the capacity of a network of over 100 selected national NGOs and enable UNHCR to deliver targeted urgent assistance. As part of its 2010 priorities, UNHCR has focused on shelter, the provision of essential items to vulnerable IDPs, advocacy on protection from arbitrary evictions and microprojects targeting returnee and IDP-hosting communities.<sup>31</sup>

25. IOM, which is present throughout the country, also undertakes a wide array of activities on internal displacement including: monitoring displacements and returns; quick-impact projects; household surveys on needs and intentions with regard to durable solutions; and capacity-building and assistance to the Government.

26. Of note are also the United Nations Assistance Mission for Iraq (UNAMI) “sector outcome teams” (formerly “clusters”), which aim to link protection, reconstruction, development and humanitarian interventions, and which currently include the protection and shelter outcome teams. The Human Rights Office of UNAMI is part of the United Nations Country Team and works closely with key stakeholders to mainstream the human rights of IDPs in relevant United Nations and Government programmes and help develop a work plan for the implementation of the commitments made in the context of the universal periodic review.

27. Both national and international NGOs in Iraq play a key role in providing assistance to IDPs. While international NGOs have in recent years come under increasing pressure to establish a presence in different parts of the country rather than operating remotely from the north or from neighbouring countries, they have continued to be subject to targeted attacks since 2003, which have resulted in the killing of almost 100 aid workers (mostly nationals) to date.<sup>32</sup>

## IV. Protection of internally displaced persons

### A. Protection against forced displacement

28. Although systematic and large-scale displacement has stopped, a number of factors and events within Iraq can still cause sporadic and sudden internal displacements. While the National Policy on Displacement provides for the right to be protected from arbitrary displacement,<sup>33</sup> no mechanisms exist to enable the effective implementation of this right. The Representative welcomes the efforts of the Government of Iraq and its reassurances that it will continue to prioritize national reconciliation, including from the perspective of preventing further displacement and ensuring the safety and security of IDPs who may wish to locally integrate in their host communities or resettle elsewhere in the country. With regard to the latter, the Representative was pleased to learn of new initiatives which will emphasize consultation and sensitization of host communities, and authorities at the governorate level, as well as tribal leaders.<sup>34</sup> At the same time, he appeals to the

<sup>31</sup> “UNHCR Fact Sheet, August 2010”, pp. 1–2.

<sup>32</sup> *Ibid.*, pp. 302–304.

<sup>33</sup> Provision 6.3, states: “Every human being has the right to be protected from arbitrary displacement from her or his house, land or place of habitual residence. The Government pledges to undertake all steps to integrate the protection from displacement in its legislation including the prohibition of forced evictions, destruction of houses and agricultural areas and expropriation or confiscation of land.”

<sup>34</sup> Meetings with IFCNR and the Ministry of Displacement and Migration on 26 September 2010.

Government of Iraq and all relevant actors to strengthen efforts to resolve disputes peacefully and adopt legal and practical measures, including legislation and advocacy campaigns, which address and work to prevent ethnic and religious hatred. The Representative believes that without such further measures the risk of further displacement cannot be adequately addressed.

29. Of particular concern are the sectarian and ethnic tensions which persist in the country, as witnessed by the incidents in Mosul in February 2010 and more recently in the attacks against Christians in Baghdad on 31 October 2010,<sup>35</sup> and which may lead to further displacement if they are not urgently addressed as a matter of national priority. In Northern Iraq, tensions between Kurds and Arabs are also fuelled by disputes relating to internal boundaries, especially in Kirkuk, and related developments such as the upcoming national census exercise. The Representative was informed of cases of harassment, intimidation, threats of forced evictions and arbitrary arrests of registered Arab IDPs originally from southern and western Iraq, which occurred both prior to and during the time of his visit.

30. While security has improved in the last two years, forced displacement related to security incidents – such as generalized criminal violence and terrorism by extremist groups – continues to be a problem. Crimes by militias, criminal gangs and security and military forces in certain parts of the country, such as in Baghdad, have included kidnappings, assassinations, extrajudicial executions, forced recruitment, destruction of property, intimidation, extortion and sexual and gender-based violence.<sup>36</sup> The Representative stresses that an escalation of generalized violence in certain areas may result in renewed forced displacement and that IDPs can be especially vulnerable to such criminal practices. He encourages the Government to address impunity for human rights violations, strengthen rule of law and governance institutions, provide adequate resources for national security measures in line with human rights and develop effective mechanisms to address abuses emanating from its law enforcement institutions and security forces.

31. Persons trying to return to their homes also risk having to leave again or remaining displaced owing to a number of other factors. These include a lack of security, limited absorption capacity of local communities or the absence of other necessary conditions (food, water, electricity) for IDP returnees or refugees returning to the country. Measures to prepare communities of return for the reintegration of returnees – such as support to enhance their community services and infrastructure, measures related to reconciliation and the provision of adequate assistance to returnees (including as regards property restitution and shelter) are essential in this regard.

32. Attacks in border regions of the country continue to be a further source of displacement. Several thousand Iraqis living close to the northern border with neighbouring countries have been displaced following repeated military interventions between May and July 2010, when authorities in KRG reported that 5,600 persons had been displaced mainly by air strikes and shelling.<sup>37</sup> The Representative urges the Government of Iraq, KRG and relevant neighbouring countries to strengthen dialogue on this issue, which should highlight the impact of such attacks on the civilian population of Iraq.

---

<sup>35</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “Iraq – Displacement in Mosul: Situation Report No. 2”, 2 March 2010. On the attack on a Christian Church in Baghdad on 31 October 2010, see United Nations, “UN human rights chief urges better protection for Iraq’s religious communities”, media statement, 4 November 2010.

<sup>36</sup> See UNAMI, “Human Rights Report”.

<sup>37</sup> See OCHA, “Iraqi Kurdish Border Displacement – Situation Update No. 1”, 6 July 2010; and Integrated Regional Information Network (IRIN), “Iraq: Turkish, Iranian Shelling displaces villagers in North”, 12 July 2010.

33. Natural disasters and water scarcity, as witnessed by the recent droughts in parts of the country, may also continue to cause displacement among affected communities. Several years of drought in parts of Iraq triggered the displacement of 4,250 families, including in Kirkuk, Nineveh and Salah El-din Missan and Basra.<sup>38</sup> While the focus to date has been on internal displacement due to conflict, the Representative urges the Government of Iraq to include non-conflict IDPs in a future national strategy on displacement as well as in future legislative, emergency preparedness and risk reduction initiatives.

34. In addition to the above, the Representative is concerned by the continued risks of secondary displacements in Iraq, which can be triggered by a number of causes. In northern Iraq, where many IDPs fled in the aftermath of the sectarian violence in 2006 and to which other Iraqis migrated in search of jobs and better security conditions, displacement may be triggered, for example, in the event of the possible politicization of the national census exercise and internal border disputes in contested areas. The Representative strongly encourages the Government of Iraq, KRG and local governorates to specifically refrain from adopting policies or political positions which are likely to lead to forced secondary displacements.

35. During his visit, the Representative called for a moratorium on evictions of an estimated at 500,000 persons, a majority of whom are believed to be IDPs, currently living in informal settlements in Baghdad and other cities on public land or in buildings that they do not own. Such a moratorium should remain in place until the envisaged new strategy on internal displacement provides a clear plan and viable alternatives for these persons, in line with international standards. This course of action would avoid secondary displacements and further hardship for this vulnerable section of the population.

## **B. Protection during displacement**

### **1. Physical security and humanitarian access**

36. IDPs and host communities face many of the same challenges with regard to the security situation and deficits in the areas of rule of law and governance. While the level of insecurity has diminished overall, low-intensity violence and targeted attacks persist. Coordinated explosions and attacks against minorities, and more specifically Christians, continued to take place as recently as in the months of October and November 2010.<sup>39</sup>

37. Serious concerns were raised during the universal periodic review of Iraq regarding the security of persons in Iraq generally, widespread impunity and corruption, and inadequate capacity among rule of law institutions.<sup>40</sup> The protection needs of IDPs are, however, often more acute due to specific vulnerabilities caused by displacement. As a result of displacement, IDPs may have lost identity documents essential to affording them certain rights, as well as their housing, and are more vulnerable to rape, domestic violence, disappearances and detentions.<sup>41</sup> In a survey of IDPs in 2009, 11 per cent of IDPs (post-2006) reported being targeted due to their religious or political affiliation, 6 per cent simply because they were IDPs, and 30 per cent reported missing family members, including children, as a result of abductions or detention.<sup>42</sup>

<sup>38</sup> See OCHA, December 2009. Mercy Corps et al., "Fallen off the agenda? More and better aid needed for Iraq recovery", July 2010. Available from [www.handicap-international.org.uk](http://www.handicap-international.org.uk).

<sup>39</sup> See the Canadian Press, "Iraq: Dozens of Christians Killed in Attack on Baghdad Church" and "Iraq: Over 76 Killed in 15 Bomb Attacks on Baghdad Shia Area". Available from [www.hsrgroup.org.0](http://www.hsrgroup.org.0).

<sup>40</sup> A/HRC/WG.6/7/IRQ/2, pp. 5–7.

<sup>41</sup> *Ibid.*, p. 10–11.

<sup>42</sup> UNHCR, "Protection Monitoring Assessments Summary: January–October 2009", December 2009.

38. The Representative highlights the special vulnerability to security risks of IDPs living in informal settlements and contested areas of the country, the need to pay increased attention to gender-based violence against IDPs and the risks associated with the rise of tensions between IDPs and host communities owing to overburdened social services, property disputes, housing and scarcity of resources. Where IDPs do not share the ethnic or sectarian affiliation of the majority, there have also been reports of discrimination, harassment and persecution.<sup>43</sup> Feelings of insecurity among IDPs are also based on their own vulnerabilities and ability to access basic services and rights, such as shelter, food, freedom of movement and employment. Vulnerable IDP groups such as youth, female-headed households, the elderly, persons with disabilities and persons without official documentation, proper housing or employment can feel especially at risk.

39. Other specific problems are also reported in the north of Iraq, including in the Kurdistan Region and the Governorate of Ninewa. Security issues include: detentions of Arabs, some of whom may be IDPs, coming into the Kurdistan Region; reports of trafficking; and IDPs from minority groups in the Ninewa Plains who may be subject to intimidation and manipulation pending a resolution of the question of whether or not this area should belong to the Kurdistan Region.<sup>44</sup>

40. The Representative acknowledges that humanitarian access has improved significantly in the last few years. However, security risks to humanitarian workers – both owing to targeted attacks and generalized violence – continue to be present, affecting the provision of adequate levels of humanitarian assistance and protection.

## 2. Access to shelter, food, basic services and livelihoods

41. Housing is a high priority among all Iraqis, including IDPs, for whom the lack of adequate shelter represents a key protection issue. The majority of IDPs, over 75 per cent, live in rented accommodation or with host families, while over 20 per cent live in irregular settlements, former military camps, tents and public buildings.<sup>45</sup> At the time of the Representative's visit, an estimated half a million persons, the majority of whom are believed to be IDPs, were living in informal settlements on property which they did not own. More than 200,000 persons live in such settlements in Baghdad alone.<sup>46</sup>

42. During his visit to two such informal settlements in Baghdad, the Representative was struck by the very difficult and precarious living conditions of the IDPs he met there, including overcrowding, inadequate shelters, limited or no access to water and other essential services, such as sanitation and garbage collection. This creates serious health hazards, particularly among children and the elderly. In one location, IDPs reported that local authorities denied them access to education and health services. The Representative stresses the need to take immediate measures to address the dire living conditions and humanitarian needs in these settlements in accordance with principle 18 of the Guiding Principles, and to strengthen efforts to find alternative housing and long-term solutions, including the allocation of land plots. Following the Council of Ministers Order No. 440 of 2008, which addressed the evictions of squatters, a decision was taken in May 2009 to suspend evictions from State land for a period of one year. While commending that gesture, the Representative calls for a full moratorium on evictions from such settlements until alternative solutions and housing are found.

43. Many IDPs living in rented accommodation at prohibitive prices often also live in overcrowded conditions in substandard housing with no or little access to basic services

<sup>43</sup> *Iraq – Little new displacement*, p. 117.

<sup>44</sup> Information from a briefing by UNAMI in September 2010.

<sup>45</sup> *Iraq – Little new displacement*, p. 173.

<sup>46</sup> See UNHCR, "Iraq Monthly Highlights – August 2010".

(sanitation, electricity, etc.) and are at risk of evictions as their finances dwindle over time and rent prices increase. Refugees returning from abroad may experience secondary displacement or homelessness due to the lack of affordable shelter. Over time, those living with host families or friends also come under increased pressure, as hosts struggle to make ends meet themselves. This places IDPs at special risk of homelessness, in a broader context of the country's serious housing deficit. An estimated 52.8 per cent of the Iraqi urban population in 2005 were living in slums, a figure unlikely to have decreased given the further internal displacement that has taken place, creating fears of a social crisis.<sup>47</sup>

44. According to a needs assessment by IOM, access to work, food and shelter, in that order, have remained the priority needs of IDPs since 2006. In terms of basic service needs, this is followed by access to water, health, education and hygiene. In particular, access to food has increased as a priority in recent years as a result of droughts and rising food prices. Most IDPs, like many other Iraqis, have come to depend on the Public Distribution System (PDS), which has provided monthly food rations since its establishment in 1991.<sup>48</sup> However, IDPs have experienced significant difficulties in accessing the system, with a third of IDPs reporting in late 2009 that they did not have a PDS card valid in their governorate of residence, while only 15 per cent reported receiving their full monthly entitlement.<sup>49</sup>

45. In addition, the Representative received reports that IDPs moving from one governorate to another are often unable to transfer their PDS food ration card registration to their new areas of displacement. IDPs thus often need legal assistance in order to obtain PDS cards and are considered amongst the most vulnerable to food insecurity, given their reliance on food assistance and difficulties in accessing work.<sup>50</sup> In the Kurdistan Region more specifically, the Representative noted similar difficulties among the IDP population with regard to the transfer of food ration coupons and high rental rates in cities.<sup>51</sup>

46. Chronic shortages of electricity and drinking water and inadequate sanitation facilities affect IDP populations and host communities alike owing to a lack of infrastructure, years of neglect and underinvestment. In 2009, only 44 per cent of IDPs (and 23 per cent of IDP returnees) stated having sufficient access to water, and access to sanitation facilities was reported as insufficient by 25 per cent of IDPs, (and 26 per cent of IDP returnees).<sup>52</sup>

47. Like other services, health care in Iraq has deteriorated significantly over the past decades, seeing the exodus of many qualified professionals and shortages of medication, equipment and facilities. In this context, 23 per cent of IDPs report not having access to health care, while those who do have access point to a lack of staff and equipment, which results in poor treatment.<sup>53</sup> Health-care concerns vary considerably depending on location, i.e., between rural and urban areas and from one governorate to another.<sup>54</sup> IDPs living in rural or poor neighbourhoods or in informal settlements face particular difficulties in accessing health care due to a lack of means and insufficient or badly equipped health-care centres.

---

<sup>47</sup> Institute for War and Peace Reporting, "Homeless Iraqis Prompt Fears of Social Crisis", ICR Issue 338, 27 May 2010; also A/HRC/WG.6/7/IRQ/2, para. 9.

<sup>48</sup> "Review of Displacement", p. 12.

<sup>49</sup> See "Protection Monitoring Assessments Summary".

<sup>50</sup> "Review of Displacement", p. 12.

<sup>51</sup> Information from meeting with NGOs, Erbil, 1 October 2010.

<sup>52</sup> *Iraq – Little new displacement*, p. 169.

<sup>53</sup> "Review of Displacement", p. 13.

<sup>54</sup> *Ibid.*

48. During the Representative's visit, several IDPs in informal settlements to whom he spoke stressed the difficulty in accessing health care and paying the associated fees. Women IDPs stressed the lack of medical services for women, including gynaecological services, post/partum care and medical assistance during childbirth, and reported the deaths of some women who had given birth at home. In the Kurdistan Region, difficulties in accessing medical services particularly affect the category of non-professional IDPs, who have more difficulty securing employment and are thus less able to afford medical fees.<sup>55</sup>

49. As regards the right to education, a 2009 UNHCR survey found that, among the IDPs surveyed, an estimated 42 per cent of boys and 47 per cent of girls under 14 years of age did not attend school.<sup>56</sup> Some IDPs, especially those without residency papers and IDPs with whom the Representative met in informal settlements, also report difficulty in enrolling their children in the local schools, owing to a lack of documents and spaces in already overcrowded schools. This appeared to vary significantly between neighbourhoods and schools, however. In the Kurdistan Region, IDPs were especially concerned by the lack of access to Arabic schools in certain towns, the lack of quick-learning curriculums for Kurdish children, and cited that, in Erbil, out of 4,000 IDP children, only 1,000 had access to schools.<sup>57</sup> The Representative notes with concern reports of large numbers of IDP children who have dropped out of school, including because of poverty, the cost of uniforms, transportation and school supplies, or because children leave school to work in order to supplement the family income.<sup>58</sup> The incidence of child labour appears to increase among displaced families the longer displacement lasts.

50. Access to work and livelihoods is the number one priority of 76 per cent of IDPs, according to an IOM survey. IDPs are particularly affected by unemployment because of their displacement, which meant the loss of the jobs, savings, property and perhaps documentation. IDP female-headed households are especially affected by unemployment and child and female participation in the informal economy. Concern about access to work also varies by region, affecting 50 per cent of IDPs in Sulaymaniyah and Kirkuk and 60 per cent in Baghdad, while in other governorates such as Kerbala it affects 95 per cent of IDPs.<sup>59</sup> Moreover, in the Kurdistan Region, while the general unemployment rate is considerably lower overall, IDPs note difficulties in accessing employment owing to the language barrier, as most do not speak Kurdish. Some 80 per cent of IDPs in the Kurdistan Region are concerned about employment, although IDPs in professional categories fair much better.<sup>60</sup> The authorities and NGOs in the Kurdistan Region were concerned that an increasing number of internally displaced women may be engaging in prostitution or become victims of trafficking because of a lack of livelihood opportunities. High levels of child labour are another consequence of the dire economic situation in which many IDPs live.

### 3. Registration, documentation, freedom of movement

51. In Iraq, documentation is essential to the exercise of certain key rights, including being able to register as an IDP or returnee and to access basic services and financial assistance. IDPs have faced a number of difficulties with regard to IDP registration, many of which were confirmed by the IDPs with whom the Representative met, including the lack of necessary documentation, inconsistent implementation of Government registration procedures and backlogs, and lack of awareness of certain requirements or of the resources

<sup>55</sup> Meeting with NGOs in Erbil.

<sup>56</sup> See "Protection Monitoring Assessments Summary".

<sup>57</sup> Meeting with NGOs in Erbil.

<sup>58</sup> Meetings with IDPs in several locations.

<sup>59</sup> "Review of Displacement", p. 11.

<sup>60</sup> Meeting with NGOs in Erbil; also "Review of Displacement", p. 11.

to travel to registration points. Inconsistent implementation of registration procedures has also been reported, including because of restrictions on IDP entry and registration arising from security, economic or even demographic concerns in a number of governorates.<sup>61</sup> However, some IDPs have also been reluctant to register with authorities because of security concerns, bureaucratic delays or lack of documentation. During 2009, Government authorities stopped registration procedures, reopening them temporarily only for census purposes between April and June 2010. While there are no available figures on the number of unregistered IDPs in the country, they are presumed to be high.<sup>62</sup>

52. In the context of Iraq, non-registration of IDPs (and returnees) remains a significant humanitarian concern, as it limits or precludes access to a number of rights including, access to basic services and Government assistance, the inability to transfer or gain recognition of certain documents and the inability to rent or purchase land, vote or obtain land titles. Therefore, the Representative was especially pleased to be informed during his visit of the Governments' expressed willingness and intention to reopen registration procedures for all IDPs.<sup>63</sup>

53. IDPs also report difficulties in obtaining or renewing other key documents, including the civil status identification document, a key identity card necessary to access health care, education and many other services, and to obtaining other important documents such as a passport, PDS cards. As a result, IDPs often need specialized assistance to obtain or replace vital documents,<sup>64</sup> to which they are entitled in accordance with principle 20 of the Guiding Principles.

54. Despite improved security conditions, freedom of movement (Guiding Principle 14) for IDPs in Iraq continues to be affected by a number of security measures, especially in and around Baghdad, including frequent checkpoints, permission requirements and security fences or walls. According to information received by the Representative, freedom of movement is also impacted by checks at governorate borders,<sup>65</sup> some reportedly resulting in arrests, and in the Kurdistan Region particularly of Arabs, due to the lack of proper papers or due to mistaken identity. Moreover, while most governorates have allowed IDPs to enter, obstacles to registration have limited their access to services and capacity to rent or purchase property. This problem was further accentuated once registration was halted in February 2009. Concern was also expressed during the universal periodic review about reports that displaced persons found it increasingly difficult to move within Iraq and to neighbouring countries given the more restrictive entry policies and visas imposed at State borders and governorate boundaries.

### C. Protection in the context of durable solutions

55. Approximately 435,000 IDPs have returned to their place of origin since 2008. Of these, approximately 60 per cent returned to Baghdad and 28 per cent to Diyala. Rates of return slowed down significantly in 2010, however, to approximately 83,000 (by October) from nearly 168,000 the previous year.<sup>66</sup> Most returnees returned to neighbourhoods controlled by members of their community. Yet, in late 2009, 38 per cent of returnees reported not always feeling safe, while 34 per cent had found their homes either damaged or destroyed. Often, property was occupied by local residents, militia or other IDPs. As

<sup>61</sup> *Iraq – Little new displacement*, pp. 202–205

<sup>62</sup> *Ibid.*

<sup>63</sup> Meeting with the Ministry of Displacement and Migration.

<sup>64</sup> *Iraq – Little new displacement*, pp. 202–205.

<sup>65</sup> Also A/HRC/WG.6/7/IRQ/2, para. 31.

<sup>66</sup> UNHCR, “Iraq Operation – Monthly Statistical Update on Return”, October 2010.



demonstrated by the low numbers of returns in 2010, IDPs continued to be concerned by the continued insecurity, political stalemate, and particular ethnic or religious composition of areas of return, as well as by the potential lack of services, livelihoods and housing. Over the years, others have come to favour local integration in their host communities, given the emotional scars from violence they may have experienced in their place of origin or because they have formed social networks or found employment.

56. Despite a Government displacement programme that has focused largely on returns, some of the current displacement appears likely to remain protracted or lead to alternative durable solutions. According to intention surveys, the percentage of IDPs wishing to locally integrate has increased in the last years, reaching an estimated 37 per cent of IDPs by mid-2010, while 42 per cent expressed the wish to return and 17 per cent to resettle elsewhere.<sup>67</sup> Intentions vary considerably depending on the governorate, however, with local integration being more attractive to IDPs in central and southern governorates at 75 per cent, as compared to less than 15 per cent in Ninewa for example. Factors in this preference are often related to the security situation and access to basic services. Returnee populations are mostly located in Baghdad, but also Diyala, Anbar and Kirkuk.<sup>68</sup>

57. While there has been some success with regard to returns, Government measures to promote returns have had mixed outcomes. Such measures have included: a number of Government orders aimed at facilitating returns through restitution of private property,<sup>69</sup> the establishment of “Return Assistance Centres” in Baghdad, a financial assistance package of US\$ 850 and a rental compensation package (for a period of six months) to registered IDPs who have been residing as secondary occupants. The Representative commended Government efforts to address a broad range of property restitution needs and the measures taken to facilitate procedures to establish property ownership – which have enabled the restitution of some 3,800 properties to date. He notes that the experience gained to date can now contribute to the ongoing efforts of the Government of Iraq to improve fairness and efficiency in property restitution. Nevertheless, Government support has largely been considered insufficient and difficult to access. With regard to return grants, according to one survey, only 40 per cent of returnees had applied for the grant or registered by the end of 2009 and, of those who had applied, only 30 per cent had actually received a grant.<sup>70</sup>

58. The Diyala initiative (discussed above) – which has targeted approximately 27,000 families – has represented a positive model for returns and reintegration and has been selected for expansion to a number of other return areas. This initiative has also revealed a number of possible gaps, however, from which lesson can be learned, including on the need to address inadequate returnee assistance, enhance coordination structures and strengthen the capacity of governorate institutions.

59. During his visit, the Representative was pleased to learn that the Government was in the process of developing a strategy on durable solutions to displacement in Iraq. He emphasizes the importance of ensuring that such a strategy is comprehensive in its scope<sup>71</sup> and includes the full range of durable solutions, including return, local integration or settlement in a different location and, in accordance with guiding principle 28, the possibility to opt for one of these solutions on the basis of a voluntary and informed choice.

<sup>67</sup> “Review of Displacement”, p. 4.

<sup>68</sup> *Ibid.*, pp. 4–5.

<sup>69</sup> These include Prime Ministerial Order No. 101 Prime Minister’s Orders Nos. 101/S [Iraq], 101/S, 2009/8/S, 3 August 2008, and Council of Minister’s Order 262. Council of Ministers Decree Number 262 of 2008 [Iraq], No. 262, 17 July 2008.

<sup>70</sup> IOM, “Assessment of Return to Iraq”, 3 November 2009.

<sup>71</sup> The Framework on Durable Solutions for Internally Displaced Persons (A/HRC/13/21/Add.4) may provide useful guidance for elaborating such a strategy.

Such a strategy should ensure that all IDPs should have equal access to durable solutions, irrespective of when they were displaced. The Representative further highlights that – consistent with their constitutional rights – all Iraqi citizens have the right to choose their place of residence and that local integration in particular may be the only feasible solution for those who fear return or do not wish to go back to their former place of residence for other reasons.

60. The Representative was encouraged to learn of Government plans to hold discussions with governorates regarding displacement issues, including on the potential for the local integration of persons who do not wish to return to their place of origin. The Representative considers this process of consultation with displacement-affected communities to be an essential element in securing a long-lasting solution and urges the Government to ensure that IDPs themselves are also engaged in this dialogue and in the development of a national strategy on durable solutions that takes into consideration their needs and intentions. These represent essential steps in limiting subsequent secondary displacement and ensuring a successful durable-solutions strategy.

61. The Representative considers that finding durable solutions for displaced persons and displacement-affected communities alike in Iraq is a humanitarian, human rights and development challenge. In this context, he highlights the importance of specifically including displacement issues in all relevant development plans and programmes. In particular, he welcomes the inclusion of such issues in the United Nations Development Assistance Framework 2011–2014 for Iraq and calls on the Government of Iraq and other relevant stakeholders to sufficiently address displacement issues in the forthcoming National Development Plan. He also calls on the Government and the international community to provide sufficient resources to address the great human rights, social and development challenges created by displacement.

## V. Conclusions and recommendations

62. **Iraq has suffered many waves of internal displacement throughout its recent past as a result of conflict, sectarian violence, and forced population movements associated with policies of the former regime – with an estimated 1.55 million persons remaining in displacement since 2006. This situation is compounded by a marked deterioration of basic infrastructures and services across the country, lack of livelihoods and economic opportunities, continuing insecurity and sectarian divisions, as well as serious deficits in relation to governance, rule of law and the capacity of government structures.**

63. **On the basis of his visit, the Representative concludes that the Government of Iraq has made significant efforts towards addressing the situation of IDPs in the country. Achievements to date have included the National Policy on Displacement of July 2008, special measures introduced to facilitate return, reintegration and restitution of property, and cooperation with the international community to address the humanitarian and human rights situation of displaced persons in Iraq. The Representative also commends the Government for the commitments made in relation to displaced persons during the universal periodic review in February 2010. The Representative believes that his visit and resulting recommendations are an opportunity to build upon and carry forward that process and the recommendations to which the Government of Iraq agreed.**

64. **The Representative stresses that despite efforts to date, the complexity and scale of the internal displacement situation in Iraq requires stronger efforts by the Government and the international community to protect the human rights of**

internally displaced persons, address their immediate needs and find durable solutions to end their displacement. This can only be done on the basis of an inclusive and comprehensive strategy that takes into account all communities affected by displacement, including host communities and communities in areas of return.

65. In the Kurdistan Region of Iraq, the Representative acknowledges that KRG has received and provided safety to IDPs from all over Iraq regardless of their origin, particularly in the aftermath of the sectarian violence in the country 2006. Stronger coordination and cooperation mechanisms between the Central Government and KRG are necessary however, to address the situation of IDPs in this region, including vulnerable groups, as well as a number of administrative and financial assistance issues, such as difficulties in transferring PDS cards and receiving pensions, which are adversely affecting the rights and standard of living of IDPs. As well, while improved social, security, and economic conditions prevail in this region, continued cross border attacks continue to cause periodic displacement of its border populations. The Representative believes that stronger cooperation between the Government of Iraq and KRG, as well as concerted diplomatic efforts and border dialogues with relevant neighbouring countries, must be undertaken in order to prevent and raise awareness of the impact of cross-border attacks on civilian populations.

66. In view of the above, the Representative would like to make the following recommendations.

67. The Representative recommends that the Government of Iraq:

(a) Develop a two-pronged approach to the situation of internal displacement in Iraq which addresses both continuing humanitarian needs and longer term durable solution strategies;

(b) Develop, in accordance with international standards, in particular the Guiding Principles, a national action plan to address the immediate humanitarian needs and human rights of all displacement-affected communities, which includes equitable access to basic services, registration as IDPs and provision of personal documentation for those who may have lost it, need it renewed or transferred. Such a plan should envisage a mechanism with sufficient capacity and resources to provide adequate and the timely delivery of assistance and compensation to IDPs, as well as mechanisms to identify and target particular assistance to persons with special needs, such as women from minority groups that have been affected by conflict and displacement, widows and female headed households, the elderly, youth and children. This requires, inter alia, that federal and governorate authorities coordinate and improve the flexibility of systems related to the allocation, transfer and management of funds necessary to assist IDPs;

(c) Reopen registration to all IDPs in the country, as per the Government's stated intentions, in order to better assist IDPs with their displacement-specific needs, as well as to facilitate the identification and implementation of durable solutions. Information gained from more reliable IDP registration figures and surveys on the intention of IDPs should also be used to inform both a future national strategy on durable solutions, as well as governorate level action plans and strategies. The Government should also ensure that the reopening of registration of IDPs provides them with all related rights and benefits and is not exclusively conducted for statistical purposes in the context of the national census exercise;

(d) Urgently address the dire living conditions and situation of an estimated 500,000 Iraqis, a majority of whom are believed to be IDPs, currently living in informal settlements in Baghdad and other cities. Pending longer-term solutions, immediate measure should be taken to improve the conditions in these irregular

settlements such as by providing essential services including water, sanitation facilities and garbage collection, as well as by bringing some improvements to shelters which are currently inadequate. Efforts should also be made to improve their access to health and education. Simultaneously, concrete steps should be taken to identify alternative housing and long-term solutions, including the allocation of land plots;

(e) Declare a moratorium on evictions from these informal settlements, until the envisaged new strategy on internal displacement provides a clear plan and viable alternatives for these persons which are in line with international standards;

(f) Develop a durable solutions strategy to internal displacement in Iraq in accordance with such international standards as the Guiding Principles which is comprehensive in its scope and includes the full range of durable solutions, including return, local integration or settlement in a different location. Such a strategy should also ensure that all IDPs, including those displaced by natural disasters and irrespective of when they were displaced, should have equal access to durable solutions. Local integration, in particular, may be the only feasible solution for those who fear return or do not wish to go back to their former place of residence for other reasons;

(g) Ensure consultation with and the participation of displacement affected communities and IDPs themselves in the process of developing a durable solution;

(h) Pursue initiatives such as are being currently planned, which promote and assess the potential for local integration of IDPs in the different governorates across the country;

(i) Strengthen property restitution and compensation measures, including by facilitating procedures to establish ownership, increasing the capacity and efficiency of related mechanisms, and identifying and applying the lessons learnt from the country's experience in property restitution to date. This should be accompanied by a number of others measures, such as community reconciliation and investment in basic community services;

(j) Strengthen and clarify the institutional capacity and roles of the Ministry of Displacement and Migration, the Directorate of Migration and Displacement and provincial authorities on questions of displacement. This includes increasing the capacity of the Ministry of Displacement and Migration to both engage in day-to-day operational activities related to displacement, as well as to coordinate with relevant ministries, national and international agencies. Provincial authorities should play a key role in liaising with national, municipal and village authorities, and engage in intra-Government coordination, especially in the planning and implementation of displacement-related activities and policies;

(k) Adopt a binding legal framework for the protection of IDPs in line with international standards and the National Policy on Displacement, which provides a comprehensive set of rights for all IDPs and enables a more consist and coherent designation of roles and responsibilities among federal and governorate institutions;

(l) Develop a national peace-building and reconciliation strategy which seeks to prevent further forced displacement and implement sustainable long-term solutions to displacement in the country. This could include the increased capacity of the Iraqi Implementation and Follow-up Committee for National Reconciliation to address tensions and reconciliation issues in the context of displacement, including with regard to tensions between IDPs and host communities, and in the identification and implementation of durable solutions, including local integration and returns. Activities such as the Diyala initiative, which address national and reconciliation

issues in the context of integration and return programmes should be actively promoted and adequately resourced. The Government of Iraq should also develop a multi-year media and outreach campaign that raises awareness of the harm of sectarian divisions and violence within the country, promotes messages of national peacebuilding and, in that context, raises awareness of the rights and situation of IDPs. In that spirit, the Government of Iraq, in coordination with all local authorities, should identify and specifically avoid policies and programmes which risk cementing or increasing ethnic or religious divisions;

(m) Systematically include displacement-related issues, including humanitarian and durable solutions aspects, in national development frameworks and activities, in particular in the forthcoming National Development Plan, and provide sufficient budgetary allocations for these activities.

68. With regard to the situation of IDPs in Kirkuk, the Government should investigate allegations of recent harassment and detention of IDPs and take measures to both reaffirm and ensure that the upcoming census exercise remains non-political and inclusive and does not adversely affect the human rights of IDPs.

69. With regard to the Kurdistan Region of Iraq, the Government should strengthen, together with KRG, diplomatic efforts and border dialogues to address the cross border attacks and raise awareness of the harm to civilian populations in border areas. Simultaneously, systems should be put in place to improve reception capacities for border populations suffering from these periodic attacks and displacement.

70. The Representative recommends that the Kurdistan Regional Government (KRG) authorities, in coordination with the Federal Government, develop, in accordance with international standards (in particular the Guiding Principles), an action plan to address the immediate social needs of and durable solutions for the 30,000 IDP families in the region within the broader national displacement strategy. Such a regional action plan should include housing interventions such as rental subsidies, housing and land allocations, livelihood and employment projects (including language training for non-Kurdish speakers), improved access to educational facilities, including through language training and measures to address dropouts due to poverty, and improved access to health care. More targeted assistance programmes would also be necessary to address the specific problems of particularly vulnerable IDPs (including due to chronic poverty) and groups at risk of abuse or exploitation, including female-headed households, separated children, and children who have taken on the role of breadwinners. KRG, in coordination with the Federal Government, should reopen registration to all IDPs in the region.

71. The Representative recommends that the international community:

(a) Support and provide technical assistance to the Government of Iraq in the development of a national strategy on durable solutions and a national action plan on humanitarian assistance to IDPs. Similar assistance should also be provided to KRG and other governorates for the development of regional strategies and action plans, in line with national policies and strategies;

(b) Continue to support the Government of Iraq through capacity-building and technical assistance, particularly in relation to the development of national IDP legislative frameworks, joint initiatives on such integrated and holistic durable solutions projects as the Diyala initiative and the implementation of humanitarian assistance activities to IDPs;

(c) Continue and strengthen monitoring, information analysis and advocacy activities in relation to the human rights situation of IDPs, including IDP returnees;

(d) In line with the two-pronged approach, strengthen support and financial commitment to UNHCR and other humanitarian actors, in order to address the urgent humanitarian needs in the informal IDP settlements, directing resources towards the construction of low cost houses for homeless IDPs and other vulnerable groups, in line with the Prime Minister's proposal for allocation of land to homeless and destitute IDPs;

(e) In close cooperation with the Government of Iraq address and direct resources to the urgent humanitarian needs of some 500,000 homeless Iraqis, many of whom are IDPs;

(f) Work closely with the Government of Iraq and concerned United Nations agencies, to develop a work plan for the implementation of the commitments made in the context of the universal periodic review;

(g) Ensure the inclusion of IDP-related issues in the development programmes of the United Nations and the international donor community;

(h) Actively engage in diplomatic initiatives to encourage long-term capacity building with regard to institutional, human rights, rule of law, and governance issues in Iraq, including in order to prevent further forced displacement due to sectarian violence, impunity, and violations of human rights;

(i) Actively encourage a more diversified group of international donors to support and engage with the Government of Iraq on both quick impact and longer-term projects aimed at improving human rights, as well as the humanitarian and longer-term situation of IDPs.

---