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To:
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Services Directorate

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Contact

Date 26 April 2023
Subject Terms of Reference for the general country of origin information report on
Iraq

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Dear

Appendices
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Herewith, with reference to the agreements between the Dutch Ministry of Justice and Security and the Dutch Ministry of Foreign Affairs, a request for a new general country of origin information report on Iraq that provides an update on the situation in Iraq relative to the previous general country of origin information report. This letter provides an overview of points of attention that must be discussed in the country of origin information report to be issued by the Ministry of Foreign Affairs, with a view to policymaking by the State Secretary of Justice and Security and the implementation practice of the Immigration and Naturalisation Service (IND).

I refer to the asylum policy concerning Iraq, as established in the Circular on Foreign Nationals of 2000 (C) C7 Country-specific policy 13. The most important elements from this document are that Iraqi LGBTIQ+ people are identified as a group systematically exposed to persecution under Article 1A of the Refugee Convention. Furthermore, the following groups from Iraq (excluding the Autonomous Kurdistan Region (KRI)) have been identified as vulnerable minority groups: Christians, Mandaeans, Yazidis, Jews, Shabak, Kaka'i, Baha'i, Turkmen and stateless Palestinians.

As far as possible, we ask you to provide a global and up-to-date overview of the situation in Iraq. If incidents or risks are mentioned, please provide as much context on them as possible and place them within a broader perspective as far as possible. I also ask you to describe risks in gradations wherever possible. If you deem questions to be of secondary importance within the context of Iraq, please indicate this according to your expertise. The same applies to any topics or target groups that you deem important, but that are not reflected in the ToR. It would be appreciated if you would mention significant changes compared to the previous reporting period and, where relevant, by region. When addressing the various topics, you are also asked to comment on previous general or thematic country of origin information reports on Iraq published by the Ministry of Foreign Affairs. In addition, please cite any recent reports written by/from the EUAA on any topic questioned below.

It is important to the Ministry of Justice and Security to ensure that there is always a clear indication of whether reference is being made to Iraq as a whole or to one or more regions in Iraq. In the latter case, it is important to be clear whether the reference also/only includes the KRI and/or which specific authorities/security forces/armed groups are included.

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This letter was drafted with input from socially relevant organisations.

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Security situation

1. Which actors are in control of which parts of the country, and what is their relationship to one another? Have violent confrontations taken place, or not? If so, where? What does this mean for citizens?
2. What is the general security situation for citizens in daily life in the different provinces and areas in Iraq, especially in the cities of Baghdad, Erbil, Basra and Mosul?
3. On what scale did violent incidents (such as suicide or other attacks, fighting by security forces and/or militias, violence during protests, violence by ISIS/other armed groups) take place in the various regions? What impact has this had on the civilian population?
4. On what scale did politically motivated attacks occur, and who or what were the targets and victims of these attacks?
5. Do disappearances/abductions occur in Iraq? On what scale?
6. Do extrajudicial executions and killings occur? On what scale? What groups/elements perpetrate extrajudicial executions and killings, attacks and disappearances/abductions? Are there any observations that can be made about the motives?
7. How commonly were civilians arrested and detained? What were the main reasons for these arrests and detentions? To what extent are arrests and detentions arbitrary? Are people generally able to explain why they have been arrested or detained and to gauge the likely consequences of their words and actions?
8. In which/what kind of cases does serious ill-treatment and/or torture occur by individuals associated with security units/movements, whether or not acting in their official capacity?
9. Are Iraqi citizens faced with having to pay bribes or ransoms in the case of arrest, detention or abduction in which state actors (including militias affiliated with the state) are involved? How often does this occur?
10. Does forced recruitment/conscription take place by the army and/or militias? If so, by whom, where and at what scale? Who are the victims (e.g. women, children, specific target groups)?
11. In what ways are foreign actors active on the security front in Iraq? What impact does this have on Iraqi citizens and/or current or former foreign fighters in Iraq, including current or former PKK or YPG fighters and Iranian Kurdish groups?
12. What level of protection do the authorities (federal Iraqi and the KRG) or other actors provide for civilians in different areas/provinces? To what extent is it possible to evade a threat by settling elsewhere in Iraq (what is required in order to do the latter)?

13. Are there any restrictive conditions and/or measures for Iraqis (non-displaced persons) travelling through Iraq?

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Political situation

14. How have political developments affected the influence of certain militias?
15. What is the relationship between the federal Iraqi authorities and the KRG authorities?
16. Were there any developments during the reporting period regarding the official and actual border between federal Iraq and the KRI? Which provinces/districts are currently under the de facto and/or de jure administration of the KRI?
17. Could you provide a broad description of the impact of political circumstances in federal Iraq and in the KRI on the citizens of these areas?
18. Could you describe the political situation in the KRI, addressing the role of militias and/or other armed groups/individuals? Could you also elaborate on the impact this is having on citizens?
19. Could you provide an indication of the current mutual relations between the PUK and the KDP? Have there been any developments in this regard since previous reporting periods?
20. What is the administrative situation in the disputed territories? Which security forces and which administrative authorities are present in various regions?
21. Has the takeover of disputed territories by the Baghdad authorities affected the daily lives of civilians?
22. What can you say about members of Iranian Kurdish opposition groups in the KRI during the reporting period?

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Documents

23. To what extent can people travel safely and access basic services if they do not have personal identity documents (such as Civil Status ID, Iraqi Nationality Certificate, Iraqi National Identity Card)? To what extent are these documents available abroad?

Legal protection

24. What forms of legal protection exist in Iraq? In what ways can crimes be reported, and how are such criminal complaints dealt with in different types of cases? What factors does this depend on?
25. If the police fail to act adequately, is there another, possibly higher authority to which people can apply for protection? Can you comment on any practical (or other) obstacles and consequences, as well as on the factors that may play a role in such obstacles? To what extent can NGOs or international organisations be helpful in seeking protection?
26. Are perpetrators/suspects generally prosecuted and punished for torture, aggravated assault, rape and similar acts? If not, what is the reason for not prosecuting and/or punishing them for these offences?

Freedom of expression and other freedoms

27. To what extent is there room for critical voices regarding social issues in Iraq (both federal Iraq and the KRI)?

- When can this lead to action by the authorities, and what do those actions look like? Are civilians able to estimate this?
28. Could you indicate the scale at which online (or other) publications by Iraqis who have expressed themselves critically inside and outside Iraq are monitored by the Iraqi authorities, as well as how such monitoring is done? What consequences can expressing criticism of authorities online have for those involved?

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Journalists, human rights (and other) activists, opposition members

29. Could you provide an overview of the position of journalists, (human rights) activists and opposition members?

Religious groups

30. Do Iraqis encounter obstacles and/or serious discrimination in their daily lives with regard to practising their religion or belief? If so, what form does this take? Please describe any differences between regions. Can they seek protection from the authorities in case of conflict (e.g. over land) or issues of discrimination?
31. Do apostates from Islam experience problems? If so, what problems and in which control areas do apostates of Islam experience problems? In answering these questions, please explain what the term 'apostasy' is understood to mean in Iraq.
32. What is the situation of individuals who are critical of Islam?
33. Could you comment on what the terms 'secularism', 'atheism' and 'apostasy' are understood to mean in Iraq?
34. Could you indicate whether and to what extent individuals who do not practise Islam are at risk in terms of security?
- 34.1. From which side might problems be expected, and what kind of problems are they?
- 34.2. Could you indicate whether there are any regional differences in this regard? Please comment specifically on the situation in Baghdad, Mosul and the KRI.
35. Have there been reports of violence or threats against individuals whose lifestyle, dress style and/or other features (including tattoos) did not conform to Islamic precepts, as perceived by at least some people in their surroundings? Have there been reports of violence or threats against individuals with styles of dress/appearance that are perceived as Western?
36. Can protection be invoked and obtained from the federal Iraqi and/or Kurdish authorities in case of problems due to religion or belief, including actual or alleged apostasy, atheism, conversion and Western dress/lifestyle?
37. Can a distinction be made between the situation of members of religious minorities originating in the KRI and members of religious minorities who have gone to the KRI as displaced persons?
38. Are there waiting lists for accommodation in camps specifically inhabited by specific religious groups? If so, for which camps?
39. What is known about the humanitarian conditions in camps inhabited mainly by Yazidis and those inhabited mainly by Christians?
40. Does the daily life of religious minorities in camps for displaced persons in the KRI differ from the daily life of individuals from religious minorities (displaced or non-displaced) in the KRI and other original inhabitants outside IDP camps in the areas where the camps are located? If so, what do these differences entail?

41. Are there camps for displaced persons in federal Iraq where many religious groups are clustered together? If so, what are conditions like in these camps?
42. What is the situation of Yazidis in different regions of Iraq? What regional differences exist in this regard?
43. What are conditions like in the regions/cities/villages where they constitute (or have constituted) the majority?
44. What is the situation of Yazidis who have fled to the KRI from federal Iraq?
45. How is the implementation of the Law on Yazidi Women Survivors currently progressing? Are victims already able to claim compensation?
46. What is the position of Yazidi women who lived for a period in captivity with ISIS fighters?
47. What is the situation of Sunnis in former ISIS areas?
48. What is the situation for Sunni Arabs in Baghdad?
49. To what extent are Sunni Arabs returning to former ISIS areas admitted in practice, and are they able to regain legal residence in their places of origin? To what extent are they forced to settle elsewhere (and where)? To what extent are they able to settle elsewhere?
50. What is the situation of Sunni Arabs in former ISIS areas who were not present in these areas at the time that ISIS controlled them but who later went (or returned) there?
51. Are relatives of actual or perceived ISIS supporters/sympathisers experiencing problems? To what extent are the problems they experience related to the actual or alleged activities/support/expressions of the relative suspected of having ties to ISIS?

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Blood feuds and honour killings

52. On what scale does honour-based violence occur?
53. How common are blood feuds?
54. What alternative solutions exist for issues relating to blood and honour (as opposed to blood feuds and honour killings), and what is the position of the authorities in this regard?
55. Do the authorities in Iraq and the KRI provide protection against threats of honour killings? If so, in what ways can protection be provided (e.g. in the form of legislation, shelters or relief organisations)? Is the basis of an honour killing (e.g. religion, extramarital relations) relevant for obtaining protection? To what extent does the protection available to men differ from that available to women facing the threat of honour killings?
56. Could you identify situations in which individuals are expelled or outcasted by their own relatives? What are the consequences when people are outcasted by their relatives? Are the authorities able to provide protection in case someone fears violence from relatives? Can they settle elsewhere to avoid the consequences?
57. Is outcasting legally valid in Iraq? To what extent are documents issued to formally endorse outcasting?

Ethnic groups

58. What is the situation of Kurds in territory that was under the control of ISIS for quite some time? Are regional differences discernible in this regard?
59. What is the situation of Kurds in the disputed territories where Iraqi authorities have taken over control from the Peshmerga? What knowledge

- do you have concerning the position of Kurds in Kirkuk? Are Kurds there involved in governance, security enforcement and similar aspects?
60. What knowledge do you have concerning the size of the Kurdish population in Mosul? What knowledge do you have concerning Kurds returning to Mosul since the city was recaptured from ISIS? What is the position of Kurds in Mosul (including returnees)?
 61. What is the situation of Turkmen in territory that was controlled by ISIS for quite some time? Are regional differences discernible in this regard? How is this affected by the religious orientation of Turkmen, Shiism and Sunnism?
 62. What is the situation of Turkmen in different regions/cities in the disputed territories in Iraq?
 63. What is the situation of Faili Kurds in Iraq?
 64. What is the security situation for Palestinians in Iraq, and how does it compare to previous reporting periods? Can they effectively appeal for protection? If so, where and how?
 65. To what extent do Palestinians have freedom of movement?
 66. What documents do Palestinians in/from Iraq have?
 67. Can Palestinians who fled Iraq return to Iraq and regain legal residence there? If so, are there specific conditions and procedures to this end?

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LGBTIQ+

68. What is the general societal situation of LGBTIQ+ people in Iraq?
69. What repercussions can (suspicions of) homosexuality and/or the performance of homosexual acts have for a person's social, economic and security situation?
70. What factors can play a role in this?
71. On what scale and in what form does violence, including honour-based violence, relating to sexual orientation or gender identity occur, and is it possible to seek the protection of the authorities in such cases?
72. What is the legal position of male and female homosexuals in the different regions? What punishments can be imposed, in theory and in practice?

FGM

73. Is there any new information or have there been any relevant developments to report in this regard in federal Iraq and in the KRI (if so, what)?
74. Is FGM prohibited by law in Iraq? Is it known how effective and efficient this legislation is proving in practice for individuals fearing FGM/for preventing FGM?

Women

75. What changes have taken place since the previous reporting period with regard to the overall social position of girls and women in Iraq?
76. What changes have taken place relative to the previous reporting period regarding the possibility of obtaining protection for girls and women who are victims of sexual (or other forms of) violence?
77. What is the situation of widows or divorced women?
78. What is the situation in Iraq of single women living independently (without other family members) in financial and social terms (personal/work networks, contacts, acceptance, discrimination, exploitation, housing and support by family),

as well as with regard to security and protection, both in federal Iraq and the KRI? With regard to the situation of single women living independently, are there differences between women who have been married and those who have never been married, as well as between those who have children and those who do not have children?

79. To what extent can single women returning to Iraq return to their parental families, other family members or others within their social networks? Are any cases known in which such women were victims of violence?
80. What was the situation regarding freedom of movement for women in different areas/cities? What was the situation regarding freedom of movement specifically for single women living independently?
81. Are any cases known in which single women living independently received protection from the Iraqi authorities when necessary?

Unaccompanied minors

82. Have there been relevant developments regarding the care of minors since the reporting period covered by the preceding country of origin information report?
83. Could you provide information on the quality of the shelters (in terms of the ability to participate in education, the quality of medical care, the quality of food and the availability of overnight shelter, clothing and sanitation), all according to local standards.
84. Is a system of foster care available? If so, how is its supervision regulated? Is the system arranged from within the government, or is it private organisation or NGO?
85. How is legal custody of minor children regulated by law?

Refugees and displaced persons

In answering the following questions, please bear in mind the difference between the term 'refugee' as it is used in everyday conversation and the legal definition of the word.

86. Which conditions must Iraqis meet in order to settle in another place of residence and/or province?
87. Has there been any change from the previous reporting period in terms of the possibility for someone from outside the KRI to access and settle in the KRI? In this regard, are there differences between displaced and non-displaced persons and between ethnic and/or religious groups? How is this for Iraqis resettling in Iraq from abroad?
88. Where in Iraq are internally displaced persons being accommodated? What is the actual situation in these areas, and what are the conditions of accommodation?
89. Are there differences in the situations of different populations in camps for displaced persons in the KRI?
90. What are the legal provisions in federal Iraq and the KRI regarding displaced persons?
91. To what extent can displaced persons in the various regions of Iraq, including the KRI, register in their new places of residence?
92. To what extent can people move freely outside the place of residence, and to what extent can people settle anywhere?
- 92.1. To what extent do ethnic/religious/other factors play into this?

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- 92.2. To what extent do such provisions apply when returning from abroad, after leaving abroad from a situation of displacement within Iraq?
93. How can individuals arrange residence in their former areas of residence?
94. Can everyone return to the former area of residence from a situation of displacement? Who cannot return, for what reason and who/what determines this?
95. Are conditions imposed on returning to areas of origin by local or other authorities, formally and/or in practice? To what extent does forced recruitment occur as a condition (and in what form)? To what extent does this apply to Iraqis returning from abroad? To what extent does belonging to a particular ethnic/religious group play a role?
96. How can displaced persons register in a new place of residence if they decide not to return to their former area of residence/neighbourhood?
97. Is there a difference between this type of residential registration and registration as a displaced person?
98. Are there any restrictions on certain population groups in this area?
99. Which provinces and major cities had which access and admission restrictions, in regulations and/or in practice? What are the rules and conditions in the various regions and the cities of Basra, Baghdad and Erbil for those wishing to settle somewhere other than where they are originally from? In particular, please comment on the situation in Baghdad.
100. To what extent is pressure exerted on displaced people to return to their regions of origin, especially to areas previously controlled by ISIS?
101. To what extent is having a sponsor required for entry/admission to the various cities/provinces/areas? Please specify which ones. Which conditions are imposed on the sponsor? Do the rules and conditions and/or restrictions/requirements for sponsors also apply to situations in which an Iraqi is returning to Iraq from abroad, including Baghdad, the southern Iraqi provinces and especially the city of Basra and the KRI (Erbil), whether or not by plane through Baghdad? How does this work in practice? Are there regulatory and/or practical restrictions on certain ethnic/religious/social groups? Please specify which ones.
102. Is residence based on a sponsor for an indefinite period? If displaced persons or Iraqi refugees returning from abroad are granted entry, can they settle permanently (obtain admission) anywhere? Are there any conditions and/or restrictions on this by law and/or in practice?
103. In these issues, how are individuals handled who have worked under ISIS in governance, education, health or other services and their family members?
104. Which documents are needed to settle in areas of Iraq other than the residential area from which one fled?
105. Do displaced persons and/or returnees from abroad receive assistance or exceptions to the rules for obtaining documents if they do not (or no longer) have their original documents? If so, what is the procedure?
106. What is known about the evacuation of camps for displaced persons/refugees and forced or unforced return of displaced persons to the area of origin, regardless of whether they are residing in camps for displaced persons/refugees?

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107. What obstacles might individuals from outside Baghdad face if they wish to settle in Baghdad? To what extent does the possibility of settling depend on the presence of a social network? To what extent is the possibility of settling in Baghdad limited by a Sunni background?

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Return

108. On what scale does return to Iraq take place? From which countries does return to Iraq take place?
109. What is known about what groups are returning to Iraq from neighbouring countries and from countries in Europe and the Americas, including their numbers (registered and estimates of non-registered returnees)?
110. How are returnees treated in Iraq?
111. Are any reports known in which Iraqis have been subjected to screening after entering from abroad? If so, how does this investigation proceed? Are any reports known in which Iraqis have been detained after entering the country from abroad? If so, where did detention take place and for how long? Were unconditional releases applied and, if not, in which cases were they not applied? Are cases of ill treatment during detention known? Were members of certain population groups treated differently amongst them?
112. What checks are conducted at border crossings, including airports, and is a distinction made between different categories of people?
113. Are there international or other organisations that are active and provide support to returnees? If so, how does this work in practice?
114. If returnees have been living in a Western country, does this have consequences upon their return for their security or social situation in the various areas of the country controlled by the different parties? If so, please specify which consequences.
115. What do Iraqis encounter upon returning to their original areas of residence (when returning from abroad)?
116. Which options are there for Iraqis who are unable to access their original areas of residence and/or homes? What is observed in practice, and what problems do Iraqis in this situation encounter (e.g. with regard to moving back into their homes, recovering their property, access to education, healthcare, employment and food)?

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If you have any questions about the comments listed above, please contact the Research and Expertise Team for Country and Language.

The State Secretary of Justice and Security,

Represented by