



*The Coordinated Action to Respond to the Needs
of Children Born of Rape, and their Mothers*

Children Born of Rape & Children Born to ISIS Fathers

Situation Analysis

Final Report

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1) Executive Summary

This report presents an analysis of the situation of children born as a result of sexual violence and children born of parents perceived to be ISIS affiliates or sympathizer, in order to understand factors affecting access to their basic rights, evaluate the current responsive interventions for this issue, identify the gaps in such interventions and define situations and practices that could enable or prevent access of the target group to such rights.

The analysis extended from September 2018 to January 2019 in the areas that were under ISIS domain (Anbar, Salahadin, Kirkuk and Mosul) and it focused on children born of ISIS parents, who currently live in displacement camps.

The analysis adopts a rights-based methodology which was prepared in a collaborating approach that considers the views of all stakeholders

The analysis is based on the results of 11 focus group discussions with mothers and caregivers; 76 interviews with relevant individuals and government stakeholders; and 5 long roundtable discussions involving UNAMI, UNICEF, tribal leaders and activists in Duhok, Mosul and Baghdad provinces.

The main tools of the analysis were: Questionnaire on the evaluation of services provided in the field of child protection; Guide to focus group discussions for mothers; Guide for interviewing government agencies; Guide to group discussion for local leaders and civil activists; case study and mapping.

Results

- Most Yazidi female survivors, who faced sexual enslavement and forced marriages at the hands of ISIL, who returned from captivity, had to abandon their children upon their return to their original areas due to the social rejection of those children. Some of them had miscarriages or underwent abortion in their early pregnancy months. Some of them got their children taken from them upon returning or immediately after delivery, to unknown whereabouts. Many such women had to surrender their babies to the armed forces and militias in conflict zones or leave them with their biological fathers. Nevertheless, many of those women are now trying to search for and reunite with their children, while the numbers and destiny of those survivors, who chose to stay with their children and not to return to their communities, are still unknown. It is hard to know their whereabouts and reach them, unless a statement to accept the reunion of those children with their mothers is issued by the Yazidi Supreme Spiritual council. Such a declaration was issued in April 24, 2019, but in the face of strong objection from the wider Yazidi community, the council rescinded the declaration. As for children who were born as a result of sexual violence, abuse and exploitation by ISIS and children born outside marriage, they were usually abandoned by their mothers in public places and roadsides to avoid stigma.
- The attitude towards ISIS-born children is characterized by a sense of rejection of them both at the official and public levels, as they are perceived as a source of danger and security threat rather than seeing them as victims. Expelling and alienating those children

and keeping them in camps are measures to protect the community from reproducing extremism. Those children are thought to carry the ideologies of their fathers and they would one day avenge for what happened to their fathers when they grow up. The intensity of the attitude of rejection towards the return of ISIS-born children, and their mothers reduced when the government started to pay compensations to the victims. However, this does not mean that they enjoy acceptance, reintegration and protection, rather it means that another form of stigmatization, alienation and rejection is evolving.

- ISIS-born children face the risk of not having their birth registered or issued with other civil document to establish their nationality. There are major complications with procedures for registering their births, issuing them with birth certificate and nationality documents. Most of them are therefore unregistered, which deprives them of basic rights and impedes access to rights to social services such as education, health and other services. No specific legislation or regulation has been issued which prevent ISIS-born children from obtaining civil documents. However, in practice the civil registrations of the families associated with ISIS was suspended.
- Some civil status departments have made it a condition that a declaration of acquittal from a court must be produced before these people suspected or accused of ISIL affiliation could be issued with birth certificate or civil documents. This has become another barrier for accessing BR/CD. Many women presumed to have affiliation with ISIS could never get such acquittal document due to the loss of their required documents and their inability to find a witnesses who could testify on her behalf that the husband or son, was or was not associated with ISIS. In addition, many women refused to apply for the declaration of acquittal from their husbands. The declaration of acquittal contributes to the severing of all family ties and kinships to ISIS-associated families, which represents a social capital and will especially affect ISIS-born children. Acquittal means that these children are unable to live under the care and protection of their extended families throughout their lives.
- The analysis identified some institutions in charge of the documentation of issues related families perceived to be associated with ISIS have some negative and discriminatory practices which puts the families at an elevated risk and stigmatization. This include labeling official documents, including the death certificates, with the inscription "ISIS member" thereunto, which is not legally permissible because it means labeling the deceased without trial. The social stigma will expose the deceased person's family to discrimination and stigmatization forever.
- Iraq has adopted a set of plans, set up a number of mechanisms, and developed ambitious future targets that would raise the level of child protection and respond to victims of sexual violence (Yazidi women). However, the measures taken were insufficient to ensure that the right holders would have their rights protected and full and ensure their knowledge of those rights. There was no sufficient protection both for children born as a result of sexual violence, and children born to individuals accused of ISIL affiliation. The strategic objectives of child protection, particularly child registration, are not incorporated in the Iraqi legislations.
- In general, there are no special services rendered to the children born to families perceived to be associated with ISIL, and no assessment of the needs of this group, which suffers from special circumstances according to which programs are to be carried out.

- Most of the camps to which women and children moved contain multi-purpose community centers, but they are not accessible by all. Children in remote tents and girls and children under the age of 5 years cannot access these spaces. It is also small and there are not enough recreational games. There are no child-friendly spaces outside the camps, and if found, service providers cannot guarantee that children born to families perceived to be associated with ISIL will have access to them. There are no targeted psychosocial support services or rehabilitation for children born to families perceived to be associated with ISIL who have been raised on extremist ideologies and witnessed scenes of killings and executions. There is a weakness in the governmental institutions concerned with responding to psychological problems and PTSD in Iraq in general, due to lack of adequate qualified staff.
- Lack of civil documentation is one of the most important challenges for this groups of children to access education. Schools require proof of identity. Older children cannot attend accelerated education schools because families are unable to bring the school documents from the old schools where they studied before displacement due to fear of security threats, inability to reach their areas, schools' refusal to provide them with these documents, or the inability of older children to leave the camp for schooling. Children outside camps and in the areas where families are not evacuated, encounter challenges of a different kind. They are stigmatized, discriminated against, and denied school documents.
- The majority of the sampled camps lack programmes which offer vocational training and income-generating skills for young people and adolescents over the age of 14. Small projects are needed to follow the training process such as small grants or livelihood projects to increase the ability of this group to survive.
- children born to families perceived to be associated with ISIL face significant problems in accessing specialized medical services outside the camp. This is due to lack of money, and the condition that they need a guarantor for the woman and her child to leave camp to receive medical service. Also, the stigma arising from the condition that the woman is escorted by a policeman from the camp in case of getting out of camp.

Required Interventions

Registration

- The government must guarantee the right of children to obtain civil status documents without discrimination.
- Branches or offices of the Committee for obtaining IDs for orphaned and homeless children should be opened and be headed by the Ministry of Labor and Social Affairs in its departments in the provinces liberated from ISIS.
- A specialized court to grant documents to this category of children in the ISIS affected governorates should be opened containing a group of competent judges, provided that the children are excluded from the security check, and the testimony of witnesses to prove the lineage of the child. There is a need to issue a decision by the Supreme Judicial Council to determine the procedures to deal with ISIS members, and whether they are missing or dead. This decision can help the courts in handling the cases of the legal wills, inheritance and other matters related to minors.

- Legal assistance organizations should carry out advocacy and lobbying campaigns to press on local governments to facilitate access to civil documentation for children.

Improving protective measures against sexual violence

- Modifying the existing laws, policies and relevant plans to ensure that anyone who has been subjected to any form of sexual violence is protected regardless of their political, ethnic or religious identity.
- Supporting the work of the family protection team in the camps and the establishment of workshops inside the camps to introduce the team's tasks and the publication of evidence in the protection department within the camps and develop a team to address the violence and sexual exploitation and protection of survivors.
- Strengthen mechanisms to create opportunities for victims of sexual violence to report violence and establish effective procedures for receiving and investigating complaints, including intervention if necessary.
- Increasing the proportion of women working in the distribution of aid to reduce exploitation and abuse.

Improving response and protection of children

- Including the protection of children born as a result of conflict into all policies and plans besides ensuring their access to civil documentation.
- Expanding and improving the quality of protection services and ensuring access to quality child protection services for all children regardless of their parents' affiliations by extending coverage of community-based child protection interventions (social structures) as a means of enhancing prevention and investigation of protection risks.
- Improving the quality of specialized services for child protection and increasing the number of specialists trained on case management.
- Ensuring that all ISIS-associated children have access to school attendance and are enrolled through:
 - a. Ensuring the admission of pupils in schools
 - b. Opening private schools to accommodate students (one-teacher schools)
 - c. Qualifying and training teachers to work with this category of children
 - d. Adding some extra-curricular materials which would mitigate the effects of ISIS
 - e. Focusing on non-academic activities to attract students
- Encouraging and funding the establishment of organizations and forums related to this category and developing projects and programs of psychosocial support for children that help them to emotionally and psychologically cope with the rejection of society and help them to get rid of the effects of stigmatization provided that these forums direct their programs to mothers and family members.
- Building the capacity of workers in the field of childcare in the role of the state and training of medical staff and teachers on the special need's children associated with ISIS.

Supporting livelihood

- Building the capacity of women who are supporting families who are supposedly affiliated with ISIS through the provision and guarantee of livelihood projects.
- Inclusion of household supporting women who allegedly linked with ISIS in social welfare benefits such as widows, divorcees, orphans and wives of detainees and missing persons, amended in 2014 to include everyone below the poverty line.
- Collaborating with tribal leaders and seeking their advice and guidance on how to strengthen traditional and informal protection.

Social reintegration of ISIS-associated women and children

- Developing coordinated action to press on the local and federal governments to endorse and implement the Executive plan of Joint Communiqué of the Republic of Iraq and The United Nations on Prevention and Response to CRSV.
- Establishing sub-working groups at the local level in ISIS-affected areas consisting of representatives of key sectors involved in this caseload besides NGOs to coordinate response to the needs of war-related children.
- Launching public campaigns by the government to address the problem of persistent discriminatory attitudes toward children born to families perceived to be associated with ISIL children.
- Adopting a package of procedures under the umbrella of transitional justice (trials, commissions of inquiry, accountability and compensation). This type of action can alleviate feelings of retaliation for victims and those affected by community-friendly policies and their memory, which may reduce social rejection and help to reintegrate children associated with ISIS.
- Developing and adopting a comprehensive national strategy or plan for the rehabilitation of children of war and protect them from being re-radicalized by terrorist groups.

2) Introduction

The issue of children born as a result of sexual violence and children born to ISIS fathers in Iraq is a complex one, and the protection of such children requires coordinated actions among various sectors to address them jointly.

Although the UN Secretary-General's report recognizes children born as a result of the conflict as victims eligible for compensation, these children face discrimination, rejection and stigmatization, hindering their access to basic rights.

The Iraqi government has taken several measures to respond to the needs of women victims of sexual slavery and in 2016 signed an agreement with the United Nations called Joint Communiqué of the Republic of Iraq and The United Nations on Prevention and Response to CRSV, which includes six priority areas by which UN agencies and the Iraqi government are committed. The third priority calls for providing services, livelihood support and compensation

for survivors and children born of rape. The government, with the assistance of the UNAMI, has prepared a plan to implement the commitments set forth in the aforementioned Joint Communiqué. However, the procedures are very slow. The plan has not yet been approved and interventions for these children have not been integrated into all policies and plans for the post-conflict phase. The actions taken by the Government may not lead to the planned results due to weak technical and institutional capacities to implement the commitments contained in the Joint Communiqué, old tools and procedures, inadequate administrative skills at the national levels necessary to play their role and absence of coordination mechanisms.

There are several barriers that restricts these children's access to services or obtain civil documents. This requires concerted Government, UN agency and Civil society Organization to ensure access to civil registration for children born of rape or conflict related sexual violence and to address institutional discrimination.

There are two main obstacles to improving the responsiveness to children born of rape and born to ISIS militants. The first is the absence of a suitable legislative environment. The laws in force in Iraq are not flexible and this category of children is not included in the legislations, and this exposes them to the risk of identity deprivation. The second problem is the social rejection to those children and treating them as a source of danger and security threat rather than victims.

In line with the commitments made by the United Nations in the Joint Communiqué, UNICEF and UNAMI have adopted the "Coordinated Action to Respond to the Needs of Rape-Born Children and Their Mothers."

The objective of this project is to help inform and improve the responses by the government, civil society organizations (CSO) and NGOs, human rights organizations, and the UN and to support the continuous work with relevant governmental ministries to strengthen their ability to support survivors of conflict related sexual violence (CRSV) and children born of rape.

The project included the formation of the Coordination Group to Address the Needs of Children Born of Rape and as a Result of Conflict.

The group consists of representatives of UN agencies and representatives of partner organizations working on protection from gender-based violence (GBV) and child protection that meet periodically to monitor, coordinate and establish actions to respond to children born as a result of conflict.

The main purpose of this group is to broaden knowledge of the scope of this problem and to coordinate the activities of UN agencies, international and local organizations and child protection programs in line with the basic principles of children's rights adopted by the United Nations.

The establishment of this Group helps ensure the exchange of information, the development of a work plan and the sharing of responsibilities, and the continuous development of programs. The establishment of this group also strengthens the capacity of the Iraqi government and local

NGOs to address the challenges of improved response to children in general and those born in conflict in particular.

Improving response to children requires collecting documented data on these groups of children and improving understanding of practices which may enable or restrict their access to basic rights and provide evidence to understand the issues and challenges of their civil registration for the facilitation of planning and setting programs in a systematic, strategic and coordinated manner.

This report highlights the situation of children born as a result of sexual violence and children born to ISIS parents to identify the most important challenges to their access to civil registration and reintegration into society, to reveal attitudes and practices towards this group of children and to identify the current response and to identify gaps in this response.

3) Objectives:

- Providing an understanding of the factors affecting the access of children born as a result of conflict to their fundamental rights.
- Assessing the current response to the problem of children born as a result of conflict and identify the gaps in existing interventions and weaknesses in policies and actions taken to protect this group of children.
- Identifying the challenges faced by this group of children in accessing their basic rights.
- Mapping the services provided, specifically the services needed by this category, but it is not existing.
- Identifying the common attitudes and perceptions in the community toward such children.
- Improving understanding of how to respond to this group of children.
- Identifying the most vulnerable and exposed groups.
- Identifying practices that may enable or limit the access this group of children to their rights.

4) Methodology

This report presents an analysis of the situation of children born as a result of the conflict in Iraq. Situation analysis is an important tool to identify and understand the nature of the problem of children born as a result of conflict in its wider context; assessment of the existing interventions to respond to this problem; identifying the gaps in these interventions and highlighting the challenges facing this group's access to basic rights.

Situation analysis helps to ensure the appropriateness of programs to find the best course of action by identifying community attitudes and practices and identifying what has already been done to respond to this group of children.

Situation analysis was prepared in a joint manner that included the views of tribal leaders, civil activists, service providers, intellectuals, mothers and government stakeholders.

The analysis focused on children born to ISIS parents because of the inability to reach children born of rape and their mothers due to the sensitivity of the subject and the difficulty of locating the whereabouts of these children. The analysis also focused on the children currently living in the camps. Because of security pressures which prevented interviewing mothers and caregivers in villages where families with alleged connection with ISIS, all information about this category were taken only from service providers.

The analysis addresses the situation of children within the special context and from the community perspective through information from mothers and service providers. It also addresses the analysis of the situation of children in the broader context of the current situation of the country and the role of governmental institutions, tribal leaders and social protection policies.

The analysis adopts a rights-based approach that is normatively based on international human rights standards which in its implementation to promote and protect those rights.

The analysis was carried out between September 2018 and January 2019 in the areas which were under the control of ISIS i.e Anbar, Salahaddin, Kirkuk and Mosul.

4.1 Targeted Groups:

The work involves children who were not registered, and who were born as a result of conflict, during conflicts and in the conflict zones. Those children can be classified under four main categories:

The First Category: Children born of rape.

The Second Category: Children born of non-Iraqi parents belonging to ISIS (foreign children).

The Third Category: Children born of parents who belong to ISIS, both Iraqis and foreigners.

The Fourth Category: Children born outside marriage, whose mothers refrain from registering them in fear of security prosecutions, and the children whose documents were lost due to the war. These children are in different places, but they can be classified according to their place of residence into two parts:

- The first part includes children who live with their families whether with the mother or her family, or with the father's family. They may be inside camps of detention of ISIS families, or in their hometowns and villages and not yet evacuated, or with their mothers who are detained in prisons.
- The second part includes children who lack family care and were found abandoned either alone either due to the death of their parents, or due to the arrest of their mothers. They are scattered in governmental orphanages or in camps of detention of ISIS families.

4.2 Information Sources

- **Desk Review:** This review dealt with the international reports issued on Iraq by international organizations and research centers since the time of ISIS control; and the reports of the UN Secretary-General. The review also covered the national policies and plans; documents issued by the tribes about the families that are supposedly related to ISIS organization; statements and *fatwas* issued by the religious institutions in Iraq; instructions and decisions issued by the official bodies and local governments as they relate to the situation analysis; and minutes of meetings and monitoring reports issued by local organizations. Information and data derived from this review have been integrated into the analysis structure.
- **Individual interviews:** The purpose of the interviews is to identify the main issues and challenges facing children in accessing their rights, their place of residence, the nature of the services provided, the measures and actions taken, and the identification of opportunities to provide a comprehensive community response and improvement of the services provided. Interviews of staff of the United Nations organizations working in Iraq aimed at service providers working for international and local NGOs, as well as representatives of relevant official institutions, government stakeholders and experts.
- **Focus group discussions and interviews:** (FGD) interviews with mothers and caregivers and a focus group discussion in September 2018 .
- **Round Table Discussions:** The UNAMI and the UNICEF held roundtable sessions in Baghdad, Dohuk and Erbil. The aim of these sessions was to raise the debate about the role of local leaders in the reintegration of women survivors of sexual violence and women associated with ISIS and their children in conflict zones, and their positions and views. The meetings included tribal leaders, prominent figures and civil activists in Salahaddin, Anbar, Diyala and Mosul as well as a group of Yezidi local leaders.

4.3 Tools of Analysis

- **Questionnaire on the evaluation of services provided in the field of child protection:** This tool is addressed to organizations operating in the survey of available services and the area in which the service is provided, and the type of location whether it is inside camps or outside camps along with the beneficiaries of this service.
- **Guide to focus group discussions for mothers:** The questions in this guide explore the most important needs and challenges facing mothers and their children in accessing food and relief assistance, civil documents, education and health, and the challenges of returning to their areas.
- **Guide for interviewing government agencies:** This tool is directed at government stakeholders. It includes questions about the challenges and gaps in their ability to provide services to children, the most important initiatives and efforts to respond to these groups and their suggestions for improving the services provided.

- **Guide to group discussion for local leaders and civil activists:** This tool is addressed to tribal and religious leaders in round tables and exploring their views and attitudes on children born as a result of sexual violence and children born to ISIS parents; how their tribes have dealt with these groups and the challenges they have in their areas regarding this issue; what they can do to reintegrate these children or their mothers into society; and what are their proposals are to improve the situation of these groups.
- **Case studies:** Four case-studies have been prepared to reveal the multiple phases of the problems and the challenges encountering different groups of children born as a result of conflict and their mothers.
- **Mapping:** A map of the services provided in the camps for children born to ISIS fathers and their mothers has been prepared based on the latest updated by 4W map issued by the Child Protection Subgroup in September 2018 and on the services map for each camp, as well as interviews with organizations, service providers and mothers in the camps.

5) General Context

In June 2014, fighters belonging to an extremist group calling itself the "Islamic State Organization" and commonly known as "ISIS", invaded the city of Mosul, the second largest province in Iraq, after they took control of the city of Fallujah in January of the same year, then they headed southward to control parts of the province Salahaddin, Diyala, Anbar and Kirkuk.¹

This organization was established on the ruins of "the Qaida of Islamic Jihad Organization in Mesopotamia" which was active in Iraq after 2003, as being an armed Sunni insurgent group that led a series of attacks against US forces, as well as on the leading politicians and State institutions. However, its impact weakened and almost disappeared in 2007 after US forces intensified its operations against its leaders and members, and the formation of a force of fighters based on the tribal leaders and clans in the communities in which the organization of Al-Qaida appeared, and this force was known as "Al-Sahwa" (i.e. the Awakening)².

ISIS reorganized and built its military and administrative capabilities and resumed its activities in 2011/2012 after the withdrawal of US forces from Iraq, and the cessation of funds and support for the Awakening and the transformation of areas beyond the control of the State in Syria into a field for the jihadist organizations (local and foreign ones)³.

Several of factors facilitated the ISIS return and enabled it to control vast areas of Iraq. The most important of which is the crisis of the Iraqi political system formed after 2003 and its

¹ Human Rights Watch: Adequate Justice: Accountability for Crimes in Iraq (Report), 2017. P. 3.
https://www.hrw.org/sites/default/files/report_pdf/iraq1217ar_web.pdf

² The International Federation for Human Rights and the Kinnit Documentation Organization: Iraq Sexual and Gender Crimes against the Yezidi Community: The Role of Foreign Fighters in the Organization of ISIS, 2018. P. 6.

³ Azmi Bishara: Organization of the Islamic State called "ISIS", part I. General Framework and Public Contribution to the Understanding of the Phenomenon. Arab Center for Research and Policy Studies. Doha, 2017. P. 188.

discriminative approach against the Iraqi citizens, and the political exclusion of the Sunnis which led to the rise of a large protests demanding political and service rights, and stopping sectarian discrimination against Sunnis, which led to the launch of a large protest movement in the Sunni provinces in 2013. The Iraqi government dealt with the Sunni protest movement as a rebel movement aiming at threatening the legitimate government in Baghdad, not as a crisis of political system. Therefore, the government suppressed the protests, besieged the demonstrators' square, invaded it and burned the tents of the protesters, to end up with killing 50 from the protesters in the al-Hawija city⁴.

The announcement of ISIS organization of its establishment of the Islamic caliphate in June 2014, after their military achievements in Iraq, resulted in the formation of a US-led international coalition to combat this organization⁵. The Iraqi forces, supported by this international coalition, managed to take back the areas taken over by ISIS after months of fighting concluded with the announcement of Prime Minister Haider Abadi in December 2017 of victory over ISIS organization officially.

The control of ISIS expanded over Iraqi towns and villages for about three years, during which it targeted the ethnic and religious components living in those areas, specifically in the city of Mosul, such as Christians, Turkmen, Shiites and Yazidis. The members of these components witnessed a series of crimes of genocide aiming at cleansing the areas controlled by ISIS from the ethnic and religious groups, and the most serious of which was sexual violence against Yazidi women. The crimes resulted from ISIS control and from the military operations to restore the areas from this control caused the deaths of thousands of civilians, whereas the intimidation policies ISIS adopted in the administration of the areas they controlled to ensure the obedience of the population to their laws, as well as the experience of displacement and homelessness, have left a permanent scar in the memory of the people.⁶

The government had no plan to deal with past abuses and respond to the needs of the victims, and this made those affected by policies of ISIS and their victims to try to redress for themselves.

⁴ Haidar Said, "The Road to the Fall of Mosul". In *The Organization of the Islamic State called "Da'sh"*, Part II: Formation, Discourse and practice. Arab Center for Research and Policy Studies. Pp. 168- 178

⁵ Lina Khatib: *The Strategy of ISIS: Surviving and Expanding*. The Carnegie Institute for the Middle East, 2015. <https://carnegie-mec.org/2015/06/29/ar-pub-60542>

⁶ According to the Ministry of Health estimates of 2016, the number of people killed by the control of ISIS organization in all regions exceeded (18802) people, while the number of wounded people reached to (36245). The military operations resulted in the death of thousands of civilians. According to the reports of coalition forces, their aircraft killed by mistakes in Mosul alone amounts to 624 civilians at least, while the Iraqi Prime Minister said in a statement that at least 1260 civilians were killed during the battle to liberate Mosul and estimated the number of the Yazidis, who died in the hands of ISIS between 2000 and 2500 people, the number of abductees reached 6417, including 3547 women faced sexual slavery and servitude.

Cities and areas which were under ISIS control witnessed burning and destruction of homes, forced evictions, death threats and attacks on families accused of supporting ISIS.

Local authorities in Mosul, Anbar and Salahaddin were enticed by the waves of anger and vengeance. They issued decisions to banish the families of ISIS out of the provinces and not allow these families to return. The police prevented the entry of any family from which there is a member whose name is listed on the database of members of ISIS.

The families of ISIS who were forcibly evicted were held in special camps in Salahaddin and Anbar. Their property was confiscated, they were prevented from returning to their areas, the official documents were also denied to them and their new births were not registered. Also, no one was allowed to provide any services to the families that have not been evacuated and remained in their areas.

No official statistics were issued on the number of families which were forcibly evicted, but the size of the problem can be estimated based on the number of Iraqi fighters in ISIS organization, who were estimated to be 12,000 according to some official entities⁷. The list of the payment of wages (guarantees) received by the members of ISIS, of which electronic copies were found after the liberation of Mosul shows that the number of fighters in the ISIS exceeds 73735 in addition to the workers in various institutions, as well as its promoters and advocates. According to these figures, the number of families facing the risk of forced eviction; discrimination social stigmatization would be too great⁸. Hisham al-Hashemi, an expert in extremist groups, that more than one hundred and eighteen thousand people have been displaced and isolated in 94 camps, most of them are women, children and elderly.⁹

Policies of exclusion, isolation and deprivation against women and children associated with ISIS led to creating of marginalized, isolated and stigmatized groups facing many problems, including sexual exploitation of women, begging, human trafficking, child labor and identity-related problems. In the short run, the feeling of injustice will lead to an increase in hatred feelings towards society and a desire for revenge, and this will re-produce extremism and consequently the continuation of the cycle of violence and counter-violence.

⁷ "The number of Iraqi civilians is about 12,000 fighters, including those who were killed and some of them have fled to Syria, and some are still fighting" Colonel Haydar Jamal from the MOI, as quoted by Salam al-Jaff. Terminating ISIS Families in Iraq: a special law and revenge and exile" Al-Arabi AL-Jadeed Website. July 2017 Available at: https://www.alaraby.co.uk/politics/2017/While_unofficial_sources_estimated_that_the_number_of_local_fighters_among_ISIS_in_Mosul_alone_more_than_13_thousand_fighters. For more information see: Fayez Aldwairi: the Battle of Mosul: The parties involved and the expected repercussions. <http://www.aljazeera.net/home/print/6c87b8ad>

⁸ Electronic lists in excel-sheet format of salaries paid to ISIS fighters in the State of Tigris, of which the researcher saw a copy.

⁹ An interview with the researcher on extremist groups Hisham al-Hashemi conducted by the researcher in November, 2017.

6) Patterns of Conflict-Related Sexual Violence in Iraq during the control of ISIS and after

ISIS control over large areas of Iraq and military operations to restore these areas, were accompanied by a series of systematic sexual violence incidents targeting unknown numbers of women. Sexual violence in conflict zones can be classified into two patterns depending on the identity of the perpetrators and the identity of the victims. The first pattern is manifested in the enslavement and sexual slavery¹⁰ of Yazidi women and other religious minorities women by extremist organization. The second pattern is the sexual exploitation¹¹ of women who are allegedly linked to ISIS by the liberators.

The causes and motivations of sexual violence differ in both types. However, they share the use of women bodies as spoils of war, to send a message to the enemy, to intimidate and punish societies.

6.1 Sexual slavery against women of religious minorities

Women belonging to religious minorities encountered serious violations, including abduction, deprivation of liberty, cruel treatment and forced conversion into another religion, but the most dangerous of such violations was sexual slavery, which targeted women from Yazidi religion in particular.

In July 2014, the United Nations High Commission for Human Rights (IHCHR) announced 11 cases of rape against Christian women committed by ISIS¹². Other reports indicated that nearly 300 Christian and Shiite Muslim women (mostly Turkmens) have been detained by ISIS¹³. An academic study conducted at the University of Baghdad, which covered a sample of 200 survivors who were detained by ISIS, showed 169 women in the sample were raped, including 39 Christian women and 39 Muslim women (from the Shiite Turkmens).

In general, incidents of sexual violence against Christian and Shiite women took place in unclear circumstances, and it is difficult to assert that women of these components have experienced

¹⁰ Sexual slavery is the slavery for the purpose of sexual exploitation in which the master imposes on the slave some sexual practices. The definition also includes slavery for non-sexual purposes for a non-consensus sexual activity. See: <https://ar.wikipedia.org/wiki>

¹¹ Sexual Exploitation: Sexual exploitation is defined as access to sexual services for food and protection. It is also known as coercion and manipulation by a person in a position of power who uses that power to engage in sexual activities with a person who does not possess such power. Sexual exploitation may include providing assistance in return for sexual services

¹² International Crisis Group: Report from Crisis to Disaster: Situation of Minorities in Iraq, October 2014. 8 8.

¹³ Ahmed Kassem Muftan: Needs of Women Survivors of from ISIS Captivity: A Field Study in Duhok Governorate Shariya Camp. Unpublished Research Ministry of Migration and Displaced. Baghdad 2016

sexual slavery in the same mechanism as women of the Yazidi religion, confirmed by publications issued by ISIS which admitted capturing Yazidi women as spoils of war¹⁴.

In August 2014, ISIS militants seized Sinjar region, to northwest of Iraq, in a systematic campaign adopted by the organization to demolish the Yazidi religion¹⁵. A large number of Yazidis, who were concentrated in this area, were abducted, a number of men were killed and others forced to convert to Islam under death threats. Women and girls were separated and sold or offered as gifts to ISIS fighters, or forced to marry them.¹⁶

A report by the International Federation for Human Rights (FIDH) shows that the captivation and the enslavement of Yazidi women and children was carefully planned, institutionalized and largely organized. In October 2014, **Dabiq Journal** (one of ISIS publications), published a four-page article titled "Revising Slavery before the Day of Judgment" which is considered the first confirmation by ISIS to revive the practice of captivity (capturing and enslaving women), in which it is permissible to capture the Yazidi women and children and turn them into slaves as being spoils of war on the basis that they are infidels. The Diwan of Fatwa issued a booklet regulating the rules and justifications of slavery in Islamic sharia law, which states:

Since infidelity is the sole cause of slavery, it prohibited to capture and enslave Muslim women and men. As for the disbelievers who do not have the Charter of *ahlu al-thimma* (not followers of Christianity), the principle related to them permits shedding their blood and the looting of their property if they do not convert to Islam, or pay *jizyia* and enter under the rule of Islamic law. In this regard it is permissible to capture their women and families.¹⁷

There are no accurate statistics on the number of women who were abducted and enslaved. The Council of Awqaf (Endowments) and Religious Affairs stated that between 2014 and 2017, about 6417 people from the Yazidi religion were abducted, including 3,547 women and girls, and that 1092 women and 819 girls managed to escape and return, and 1,636 women and girls remained in captivity¹⁸.

In the same regard, the statistics of the Ministry of Labor and Social Affairs in Baghdad, stated that the total number of Yazidi women abducted by ISIS is 1529, and the number of survivors

¹⁴ Tabarak Thaer Yahya Al-Nassar: Social Problems Threatening the Lives of Survivors of Abduction, Unpublished Master Thesis Introduction to the College of Education for Women, University of Baghdad 2018.

¹⁵ Human Rights Watch: Suffering of women under ISIS Rule: restrictions on Sunnis and new incidents of rape of Yazidis in April 2016. <https://www.hrw.org/en/news/2016/04/06/288458>

¹⁶ Amnesty International. "Escape from Hell: torture and sexual slavery in captivity in the Islamic State of Iraq. Amnesty International Secretariat: United Kingdom 2014

¹⁷ The International Federation for Human Rights and the Kinnit Documentation Organization: Iraq Sexual and Gender Crimes against the Yezidi Community: The Role of Foreign Fighters in the Organization of ISIS, 2018. P. 12.

¹⁸ UNAMI: Promoting and protecting the rights of victims of sexual violence who were captivated by ISIS 22 August 2017, p 2.

who returned to their community is 880. The number of those who receive financial aid in the form of monthly salary from the ministry is 564 survivors¹⁹.

ISIS used sexual violence as slavery represented by enslavement and forced marriage for tactical and strategic purposes, namely, to promote its long-term policy of sustaining its existence and ensuring a new generation of believers in its concepts and ideology through the ability of women who were abducted and enslaved, to foster children under the rule of ISIS, and when they grow up, they would become fighters for ISIS.²⁰

To achieve this, ISIS used hormonal drugs and treatments to accelerate the maturation of girls physically for sexual exploitation and reproduction, according to the UN Secretary-General's report on sexual violence in conflicts²¹.

Marriage and sexual violence were adopted to make demographic changes as part of the genocide policies against Yazidis, where women's bodies were used as biological weapons, as described in the report of the UN Secretary-General, to change the demographics of the region and to destroy the Yazidi religion.

Also, there are economic reasons for using sexual violence and enslaving women to increase their income through ransom money paid by the families of women to release them from captivity.²²

Sexual slavery may have been one of the methods of attractions used by the organization to seduce and attract fighters and supporters of the Caliphate, but it also aims to show how this organization is distinguished among other Islamic movements in its strict adherence to, and application of the Islamic sharia law and the Prophet's traditions. Therefore, ISIS launched a market for sex-slaves, and distributed spoils among the militants in an attempt to convince the people that they are applying God's law and implementing His rulings through what they consider to be the traces of the righteous forefathers, in their refusal to coexist with the infidels, Christians, Shiites and Yazidis.²³

6.2 Sexual exploitation of women associated with ISIS

Although there are no accurate statistics showing the rates or indicators of sexual violence against women associated ISIS, the testimonies of women and service providers confirm the

¹⁹ Ministry of Labor and Social Affairs: Department of Social Protection for Women / Office of Assistant Director General / Accounting Committee on 19/11/2017 ...

²⁰ ISIS organization announced in its publications that the purpose of the captivity lies in increasing the number of its fighters. Women who have been raped can give birth to children who would absorb the ideology of ISIS and fight for it.

²¹ Report of the Secretary - General of the United Nations on sexual violence in conflict, April 2016.

²² The UN Secretary-General's report on sexual violence in conflict in April 2016 shows that these payments amounted to \$ 35-45 million in 2015 and another \$ 850,000 was paid for the release of 200 Yazidis.

²³ Azmi Bishara, op. cit. p. 200-201.

prevalence of sexual violence against this group of women inside and outside the camps. Local and international organizations documented numerous incidents of sexual violence and systematic violations against women and girls associated with ISIS and detainees in camps.²⁴

A report released by the Iraqi Amal Association showed how women were called late at night in a camp on the pretext of interrogating them and then they were raped. If they had to get outside the tents because of the heat, many men would harass their bodies during the night. It stated also that one of the wives of a suspect associated with ISIS is summoned daily by different people to interrogate her and rape her. The report also confirmed that some camp administration sexually exploits women in exchange for the assistance that they deserve as a basic right²⁵.

Amnesty International has observed sexual violence against women associated ISIS in eight camps they visited. There, 9 women told Amnesty International researchers that they have been subjected to coercion and pressure to have sexual relations with the militants in the camps, who used their positions and ranks to pressure women and force them to have sexual relations with them in return for cash or humanitarian aid, and protection from other armed militants in the camps.²⁶

On the other hand, service providers and local workers said that women were raped before the children by the security forces. None of the organizations working on the area of protection from GBV in the camps was able to protect them. On the contrary, resorting to the police was a negative intervention that exposed the victims to greater danger because the police are colluding with the perpetrators, who are usually from the security forces²⁷.

No reporting of sexual violence is there. The director of the Protection from Domestic Violence Department confirmed that he investigated rape incident against a woman in one of the camps where the families associated with ISIS were held, but he could not persuade her to report this attack against the perpetrators, who are usually the security forces of the Camp.²⁸ Many factors contributed to the spread and exacerbation of this pattern of violence and sexual exploitation which can be summarized as follows:

First, the collapse of the conventional protection provided by the family and the tribe in particular. It is well known that the tribal cultural system does not tolerate sexual violence and this culture has always provided an effective protection against rape. Sexual offenses are called

²⁴ These organizations include: Bint al-Rafidain, and the Iraqi Amal Association.

²⁵ Iraqi Amal Association: Report of the meetings of women on issues of gender, security and peace on 32-5-2017 and August 2017 and the information was matched with Alia Al-Ansari, director of Bint al-Rafidain organization, which runs the center of the GBV in al-Shahama Camp in Salahaddin.

²⁶ Amnesty International: Convicted women and children are isolated, locked up and exploited in Iraq 2018 <https://www.amnesty.org/ar/latest/campaigns/2018/04/the-condemned-women-and-children-isolated-trapped-and-exploited-in-iraq/>

²⁷ A panel discussion with a group of service providers from the US War Children Organization and Almortaq Organization working in Madraj Camp, south of Mosul, conducted by the researcher in 2018.

²⁸ An interview with Brigadier Ali Hadi, Director of the Department of Domestic Protection in the Ministry of Interior conducted by the researcher in July 2018 in Baghdad.

the violation of the honor and are classified as "Black Deeds". If the woman is raped, her tribe never accepts financial compensations, or participate in solve it by conciliation. Rather, the tribe tries to harm the offender and sometimes his family is banished from the area. Also, the tribe also requires the offender to marry the victim. If the arbitrator is unknown, the tribe will marry the girl to one of its members within the context of what is known as "de-stigmatization marriage" (to protect the woman from stigma and reintegrate her into society).

The tribal system also includes many concepts that constitute an integrated value system and it is considered one of the most important sources of protection for the vulnerable groups in society, particularly in times of crisis, such as the protection of the weak, and the "*faza'a*" (which means the rise of the men to respond to assist those in distress, especially women).

However, these informal protection mechanisms have collapsed completely, after the tribe removed the protection of women associated with ISIS by official charters condemning them as being partners in the crimes committed by their husbands. They were subjected to the punishment of expulsion and forced eviction. After the tribe has lost control under the domination of armed groups of ISIS, and the retributive policies taken against the families associated with ISIS, and the security procedures and arrests of those suspected of affiliation with ISIS, many families and tribes abandoned their daughters for fear of their sons from security procedures and accusations of being with ISIS²⁹. Women were left alone and isolated from the protection and support networks provided by the family and the tribe, increasing their vulnerability and making them a direct target for sexual violence.

Second, impunity: One of the reasons for the high levels of sexual violence against women with alleged affiliation with ISIS is the conviction of the perpetrators of the lack of accountability and prosecution for the crimes they commit. There is no strong legal framework or effective institutions in Iraq to implement protection from and combating of sexual violence. Also, there is a kind of complicity with the perpetrators inside the security institutions themselves. That is why such crimes are usually concealed and the perpetrators are protected, even in the few cases where the active humanitarian organizations try to expose the violence and demand stopping it³⁰. Most importantly, the loss of State control over the areas in conflict, and the absence of institutions of protection led to the emergence of informal structures and informal military forces, such as popular mobilization forces, tribal mobilization forces, and influential individuals, as alternative forces controlling on the ground to fill the gap created by the weakness and inability

²⁹ UNAMI Roundtable on the Role on Tribal and Religious Leaders in the Protection of Women against Sexual Violence, held in Baghdad in November 2018 in conjunction with UNICEF.

³⁰ Bint Al-Rafidain (Daughter of Mesopotamia) Organization was able to persuade a number of women who were subjected to sexual violence in t Shahama Camp in Salahaddin to testify and expose the sexual violence they faced before a committee from the Provincial Council and members of the military operations forces, provided that their identity is not exposed, and speak from behind a curtain of cloth. The Organization did not receive the results of the investigation and a few days later 40 women with their children disappeared from the camp, and nobody knows where they were deported to. Interview with Alia Ansari, head of Bint Al-Rafidain Organization conducted by the researcher in October 2018

of the State, by means of the implementation of procedures and laws that serve some special interests. Such forces are difficult to make accountable for their violation of human rights.³¹ In addition to all this, the inability of victims to report violence, their precarious legal status and the social condemnation, which makes them under accountability and detention.

Third, under the policies of collective punishment represented by of stopping the ration cards, and the prevention of the local authorities supervising the camps of the access to the aids, or trading in the se aids, or delay their access to aids and services, and confiscation of documents including pension cards, confiscation of property, sexual exploitation spread and sex trade became a common practice inside and outside the camps, as a means of survival for women who have nothing to pay for protection or a meal but their bodies. Many reports from local organizations document how women's homes (inside or outside the camps) have turned into brothels for a meal or for little money, or to obtain protection from security prosecution.³²

Fourth: Detention: The detention of women inside the camps has provided a fertile and suitable environment for committing violence of all forms (as known). Detention within the camps has made them dependent on their Detaining Power for their security and their needs. But this power controls and governs all other services and has the ability to send any woman to prison without being subject to any kind of accountability. This made women always subject to bargaining for the sake of security and food.

Women who are associated with ISIS obliterate and hide the sexual violence they are subjected to, so it becomes invisible because of the stigma that prevents them from even asking for help. Also, because of fear of retaliation by the perpetrators, or the identification of their husbands and throwing them in prison, and their lack of despair in having justice and redress in a very hostile environment to them. Most importantly because they have lost the necessary documentation to report the crime and file a complaint. This poses a challenge before the provision of assistance to the victims and responding to their needs.

Although the cases of GBV against women associated with ISIS have declined after changing the security forces responsible for the protection of the camp (from the mobilization unit and intelligence) and replacing it by the local police, still, cases of sexual exploitation are still present. Such cases are reported by nearby tents which complain from a tent frequented by security forces and outsiders. A camp security official asserts that the response is weak in cases of sexual violence, and that the solution of issue of sexual exploitation of women and trafficking in the camp is by providing livelihood projects for the detainees. He expects that the cases of sexual exploitation of women will increase after the food rations provided by humanitarian organizations have been reduced.³³

³¹ Laheeb Hegel. *Security and Protection in Iraq*, Sisvar Center for Human Rights and the International Group for Minority Rights. 2016. p.17

³² Salam al-Rafidain Organization, the Network for Observing, February 2018.

³³ An interview with the Security Official in Madraj Camp, conducted by the researcher in October 2018.

7) Children Born as a Result of Conflict in Iraq

7.1 Scope of Problem:

The dominance of ISIS, and the involvement of a number of local residents with it (mostly men and boys) created a major problem represented by the children born of sexual violence and the children whose parents involved or suspected of having collaboration with, affiliation or allegiance to ISIS.

Children born of rape, and children from ISIS parents face many challenges. There are complications in matters of registration procedures and access to civil documents. Also, there are obstacles related to societal rejection and lack of governmental neutrality, as they are seen as potential enemies, rather than victims, as well as the challenges facing access to basic services such as health, education and protection.

There is no reliable data on the number of children born to ISIS parents and their places of residence, but if we rely on the number of Iraqi militants in ISIS, in addition to workers in various institutions, as well as promoters and advocates, the number of children affected will be very large.

The latest updated list of the size of the displaced people shows that the number of children in the camps where ISIS families were resettled after being expelled from their native areas and prevented from return, in southern Mosul alone exceeds 99,246 and a large proportion of them were born to ISIS parents.

As for the children born of rape, it is most likely to have no reliable and confirmed database on them because their mothers are forced to abandon them or disappear with them children in unknown places. The following is an attempt to identify the practices mothers have used to deal with children born as a result of sexual violence.

7.3 Practices Related to Children Born of Sexual Violence

7.3.1 Yazidi women returning pregnant to their community

Women who returned to their communities pregnant from sexual violence and forced to marry members of ISIS had to get abortion upon their return, and sometimes before their return. Some organizations have cooperated in providing assistance to pregnant women with abortion. A study conducted at the University of Baghdad on women returning from captivity revealed that 47 of the study sample (200 survivors) reported that they had become pregnant due to sexual violence and that 37 of them had deliberate abortion in the first months of pregnancy, while 10 women

who had not, did not reveal the fate of their children³⁴. Interviews with activists and witnesses from the Yazidi community confirmed that girls who gave birth after their arrival to their community were forced to abandon the infants immediately after birth. One of the survivors recalls that her parents took the baby immediately after birth before she could see him and claimed that her parents have sold the baby to a woman whose job was to buy the children of Yazidi survivors.

There are a number of cases in which the mother was able to retain the baby, especially if she was married to a Yazidi man before being captured and the child would be registered in the husband's name. A Yazidi legal activist confirmed that she managed to convince a number of couples to register children born of sexual violence in their own names so that their mothers could keep them; and that in one case, as the late survivor's husband was dead, she was able to convince the husband's brother to testify before the court that the child born as a result of sexual slavery, is the son of her deceased Yazidi husband. All the children who were registered in the names of the Yazidi couples have traveled with their families to asylum countries. Only women who are previously married to Yazidi men can benefit from this practice. It is very difficult to persuade husbands to accept a child who is not their own and, in most cases,, the husband does not accept the care of a stranger child except in cases where the family has the opportunity to travel to another country.

7.3.2 Abandoning children and returning to community

Women and girls who have been sexually enslaved were not allowed to keep their children when they returned to their community after their liberation. The Yazidi community refused to receive children of survivors of violence³⁵. The Yazidi Abducted Women Office had the authority over bringing back the abducted Yazidi women. It issued instructions to separate their children from them before their return³⁶. A number of survivors claimed that they left their children with ISIS and that they did not want to keep the children because they did not feel any maternity feeling towards them because they were illegitimate, and because the marriage resulted in them was forced marriage, consequently it is rape³⁷. Many mothers abandoned their children when they returned to their families during the liberation of Mosul. The Survivors Reception Committee handled the issue of receiving children and delivering them to in the shelters of the State. According to a member of the Higher Committee for Coexistence and Community Peace, 80 children were received and placed in State shelters in Baghdad. Four of them returned to their

³⁴ Tabarak T. Y. Al-Nassar, Ibid.

³⁵ UNAMI, Protection and Enhancing trights of sexual violence victims captured by ISIS, 22 August 2017, Ibid, p 2

³⁶ Interview with Dolivan Hason conducted by the researcher in January 2019.

³⁷ An academic study on returning suvivors: all sampled women with children born of sexual violence committed by Daesh abandoned their children with Daesh. About 6% of the total sample (111 Yazidi survivor) dumped their children. Rana J. Hamza: social field study on the returning kidnapped Yazidi women in Iraq. Unpublished MA, Baghdad university 2018

mothers at the end of the military operations to liberate the city of Mosul³⁸, many of whom were granted alternative fostering families according to the annexation system that is similar to adoption system, based on the juvenile court in Mosul on the condition that the fostering family have to be from Mosul. Children placed in State orphanages in Baghdad have been entrusted there for safety. The Department of Special Needs in the Ministry of Labor in Baghdad instructed not to offer any child from a Yazidi mother for fostering families so that their mothers can communicate with them until they find a chance to reunite with them³⁹. A number of survivors, who were transferred to al-Raqqa and Dayr al-Zour in Syria, were forced to abandon their children upon their return to Iraq. Some of the mothers left their children with the family of their biological fathers (the ISIS militants) and many of those mothers are still in contact with them and may return to reunite. "My sister left her children born of an ISIS father, and surrendered to the army during the military operations to liberate Mosul" said one of the informants.

7.3.3 Staying with the children and refusing to return to the Yazidi community

On the other hand, many women who were subjected to sexual slavery have not been able to leave or abandon their children but choose not to return to the Yazidi community. There is no documented information about their status, where they did, they go or where they are located. However, statistics from official Yazidi authorities indicate that 1636 women and girls are still missing, and many of them will not be able to return because the Yazidi community does not accept their children.

The KGR PM Office of the Yazidi Affairs recorded 7 cases of Yazidi women with their children in the region of Mosul and its surrounding who refused to return unless their community accepts the return of their children with them⁴⁰. The head of the Yazidi Survivors Committee confirmed that during his work in receiving the Yazidi survivors during the liberation of Mosul, he encountered 10-15 women who did not want to return. Most of them had one or two children and there was a woman with three children, one of whom was not hers, but she was raising him. He also confirmed that women who have decided to keep their children just hid themselves in various (anonymous) places, and sometimes they were found in camps with the families of ISIS, or outside the camps. In Baghdad, for example, two Yazidi survivors were found with their children, one in Al-Shaab District (Baghdad) and the other in Al-Shula District (Baghdad), and did not explain the circumstances in which they arrived in Baghdad or what happened to them⁴¹. A civilian activist said that 17 Yazidi women were in contact with their Yazidi families, but they are now in Syria, some of them with the Al-Nusra Front and they do not want to return to their

³⁸ Interview with Dr. Bushra Al-Obaidi, member of the Higher Committee for Coexistence and Community Peace, conducted by the researcher in September 2018.

³⁹ Ministry of labor, Directorate of special needs, 2018. Interview with the director Abeer Aljalabi.

⁴⁰ Comment by Khairi Bozani, official of Yazidi abducted affairs in discussion session on the legal position of Daesh-born children, Erbil 2018

⁴¹ Interview with a member of Yazidi survivors reception committee, 2018.

Yazidi community because of their children. The real number of women who have been subjected to sexual slavery and decide to stay with their children cannot be reached or verified because they did not declare their whereabouts.

7.3.4 Returning for reunion with the abandoned children

A large number of those who abandoned their children are now trying to return to search for them and recover them. The current study documented at least two cases in which mothers tried to retrieve their children who were handed over. The first child was placed in a State shelter (orphanage) in Baghdad, while the second child was given to a fostering family in Mosul.

UNAMI has identified at least 18 cases of women leaving their children with an armed anti-ISIS group (namely the PKK), which is based in Sinjar and she is now trying to join them. The UNAMI mission was unable to accurately state the number of children left with this group⁴².

The head of the Yazidi Association for Solidarity and Brotherhood said that the association is currently working on eight cases of Yazidi women who want to return to their children's homes. WHO has facilitated the meeting of mothers with their children and three survivors have been reunited with their children.

7.3.5 Dumping of babies born of sexual exploitation and outside wedlock

Children born as a result of sexual exploitation of women who are associated with ISIS are usually dumped away. Throwing such children at birth is a common response in the Iraqi cultural context as a way to get rid of stigma. Children who are born outside marriage are left to die or to be picked up because their presence is an evidence of a sin which can otherwise be concealed. According to the director of the Family Protection Department, eight living babies were found in Salahaddin and Diyala provinces last year. An official in the Women's Committee in the Provincial Council of Mosul showed pictures of a number of children who were found in bags or boxes in the streets and in areas nearby the camps. The service providers in the organizations working in the camps confirmed seeing repeated incidents in which newborn babies were found in bathrooms, dumpsters and on the highways leading to the camp, they were often found dead. It is often concluded that babies thrown as such are born of rape or sexual exploitation of women in camps.

8) Policies, Plans and Issues of Child Protection in Iraq

8.1 Official Protection

Despite the slow progress in developing strategies and plans to raise the level of child protection in Iraq, it remains the weakest link because of the lack of adequate capacities and resources to

⁴² Meeting with UNICEF mission and Asma Jameel, UNAMI coordinator of sexual violence affairs, Erbil February 2019

monitor and follow-up the increasing needs, and respond to them, as well as the inability to provide new services based on the successful experiences and practices in other parts of the world.⁴³

Child Protection Policy Instrument recognizes some weakness in the preventive mechanisms, poor coordination among the existing mechanisms, and a lack of inclusive response to child protection in cases of abuse. It stresses that the current protection system is lacking in legislations that cope with the international standards, as well as implementation mechanisms for such legislations that can contribute to protection.⁴⁴

The response to children born as a result of conflict cannot be improved without supportive strategies, policies, laws, efficient institutions and trained and capable personnel.

Iraq has adopted a set of plans and established a number of mechanisms and set ambitious future objectives that will raise the level of child protection. The Government has implemented several initiatives to respond to the needs of women victims of conflict-related sexual violence. However, the results of these plans and their areas of implementation remain limited.

This part of the analysis attempts to examine and evaluate the policies, plans, measures and initiatives adopted by the Government regarding the protection of women survivors of sexual violence and their children.

8.1.1 The National Document on child protection / supporting the national environment for child protection

The Iraqi government, supported by international organizations, has developed an evidence-based policy document to address child protection issues in Iraq. This document aims to protect all children from violence, abuse, exploitation and neglect in the special circumstances and alongside the line of protection, starting from prevention to rehabilitation and reintegration, including the support for children within their families and communities. It was hoped that this policy would result in a national legal system to protect children rights aiming at preventing child recruitment and protecting and rehabilitating threatened children, with special attention to the most vulnerable. The policy sought to achieve eight major results over the next ten years. The first is to protect children in a legislative framework that guarantees their rights and meets their needs in a holistic manner consistent with the international standards. The second result is to ensure safe living for children within supportive families and communities to promote the protection of their rights and ensure their growth to achieve their full potentialities.

The sixth result was to ensure a safe and supportive living environment for conflict-affected children, and victims of displacement, within their families and the communities in which they live. To achieve this result, the strategic objectives were to establish a team within the crisis cell associated with all ministries and stakeholders responsible for ensuring child protection, and to

⁴³ UNICEF: promoting child status in Iraq: Analytic study of child and woman status in Iraq, 2008, p 83.

⁴⁴ UNICEF: national policy charter on child protection, promoting national environment for child protection, p 5.

develop clear and multi-sectoral coordinated programs for emergency response. In order to ensure child protection during conflict or displacement, clear and coordinated programs are developed in all sectors for emergency response, to protect them from exploitation and enrollment in armed conflicts and to support those who have been released or escaped armed groups. Finally, regarding child protection and young people from engaging in armed conflict, the policy has set a group of programs and activities to achieve this goal and define roles and responsibilities of the relevant actors.

In July 2018, Child Welfare Commission announced that the ministries started implementing the policy within the unified plan. However, the problem was that work and programs were not accompanied by follow-up and evaluation, although the commission stated that implementation team is mandated to report every three months for along two years.

The strategy did not address the issue of child registration and access to civil documentation as a strategic objective, that is the goals were not set on the basis of realistic indicators and in accordance with the challenges faced by children affected by the conflict, primarily access to documents. This policy, though important, is without guarantees.

8.1.2 The National Action Plan to implement the UN Security Council Resolution no. 1325 in Iraq and the Executive Emergency Plan of 2015 on Displaced and Conflict-affected Women within this Plan

This plan was ratified in April 2014. However, the circumstances of the armed conflicts in Iraq and the increasing number of displaced people and violations suffered by women resulted in the development of an emergency plan to enforce Resolution 1325. The Emergency Plan was designed to address the needs of women in conflict zones and displacement areas and protect them. The plan is based on three focus pillars:

First pillar: Protection. It includes four goals to address the needs of women, to assess IDP camps and to establish specific mechanisms for the protection of women displaced by violence, and to adopt exceptional policies and procedures to ensure the return of abducted women, missing persons during conflict and military operations, prompt investigations, and forming new committees to address claims of displaced women, protect the victims and punish violent perpetrators.

Second pillar: Prevention, which includes raising awareness in the hosting communities, security forces and service providers on the concepts of gender, human rights and peaceful coexistence.

Third pillars: Participation, which aims to engage women in the implementation and management of activities in their communities, peace negotiations and initiatives, and to participate in the reconstruction of their areas.

The plan did not address children born as a result of sexual violence associated with the conflict in Iraq. However, efforts are now under way to amend and update this plan. It is hoped that those

children will be included in the revised plan after the technical support committee for the implementation of Resolution 1325 of the Council of Ministers, with the support of the United Nations, have made a consultative session on the legal destiny of women and children born to ISIS fathers on September 23, which was followed by an extended conference on the same issue in January of this year.

8.1.3 The Guidance and executive plans to support women survivors and women liberated from ISIS

The Citizens Affairs and Public Relations Department and the Operations Branch of the General Secretariat of the Council of Ministers have submitted an executive plan to support women survivors of sexual violence committed by ISIS. The plan aimed to identify the needs and provide a range of recommendations for decision and policy makers and provide a practical tool to ensure that the needs of survivors are met.

The plan included 12 recommendations that included providing material and legal support to women survivors and empowering them to overcome the psychological barrier that prevents them from reporting violence and providing psychological support through psychological, physical and social rehabilitation programs as well as health checking and activating the referral system. And the allocation of safe shelters for women survivors who have been freed from ISIS who have become homeless.

The plan recognized children born as a result of sexual violence and recommended in item 5 the allocation of new homes or shelters for children born, and will be born, as a result of rape or forced marriage in case their mothers abandoned them, in order to ensure their human dignity and psychological support. Recommendation 5 also provides for the issuance of civil status identities to children born of sexual violence in accordance with the Iraqi constitution and the laws in force. However, the issuance of documents in accordance with this article does not serve Yazidi women and their children because of the complications associated with registering a child from an unknown father as a bastard and Muslim, which impede and restrict the possibility of integration with the mother in the Yazidi community. It was intended to amend and introduce new legislation for the registration of this class of children.

The plan identified the target group of liberated Yazidis from ISIS. Women who have suffered sexual violence, from other components, such as Sunnis and women who have been sexually exploited by other parties of the conflict, cannot benefit from the protection provided by this plan.

8.1.4 Fourth: Executive plan of Joint Communiqué of the Republic of Iraq and The United Nations on Prevention and Response to CRSV in March 2018

In order to ensure that the commitments made in the Joint Communiqué signed by the Government of Iraq and the United Nations on the prevention and response to conflict-related sexual violence (CRSV) in September 2016 are met and implemented, an implementation plan

has been prepared to run for 8 months as of the date of its adoption, and remains in effect until the full implementation of its terms. The plan was prepared through a consultative process at the national and local levels, with the participation of government ministries, the United Nations, and international and local organizations. A set of indicators have been developed to measure the progress made in implementing these priorities.

With regard to supporting legislative reforms, the plan identified 4 steps or outcomes expected to be undertaken, represented by reviewing the national legislation on sexual violence accountability, and issuing legislations and instructions on shelters for survivors of sexual violence. The plan also clearly pointed to crimes of sexual violence committed by the military forces, not only by ISIS against Yazidi women and other religious minorities. It called for the revision of military laws to ensure the prosecution of sexual offenses committed by military forces.

The plan also referred to the amendment of legislations to provide legal ID documents (unmarked by any stigma) to survivors of sexual violence and to their children born of rape.

As part of the achievement of the third priority area of service provision and reparation for survivors and children born of rape, the plan called for all survivors of sexual violence to receive long-term social and health support, expanding economic empowerment and livelihood programs, and compensation for redressing. The plan did not address activities related to children born of rape who were clearly indicated to in the priority, and no indicator was established to measure progress in providing services to this group. This means that the plan has focused on mothers with invalid assumptions that benefits will flow to children if the mothers' situation is improved.

The plan also included discriminatory references that excludes and isolates Sunni women who are exposed to sexual violence from protection procedures and violence combating measures when it identified the categories involved in the implementation and execution of priority area 4 for the engagement of tribal and religious leaders to prevent sexual violence crimes, and to facilitate the reintegration of survivors. It referred to the promulgation and dissemination of religious directives on the reintegration of Shiite women and girls and their children born of rape, including the Turkoman Shiites, the integration of children born of Yazidi survivors and the evaluation of the situation of Christians, Mandaean Sabii and Shabak communities.

Such a determination weakens the ability of women who have been subjected to violence in general to get their rights and protection and does not give any opportunity to ISIS related women to benefit from such measures. On the other hand, such discrimination harms the national reconciliation efforts and deepens social divisions.

8.1.5 Technical support group to implement Joint Communiqué Plan

This is a mechanism established on the basis of the Joint Communiqué in June 2018. It includes representatives of 18 governmental bodies like ministries and independent agencies, supervised

and led by a top-level Coordinator of Sexual Violence. Its purpose is to oversee the implementation of the Joint Communiqué plan, monitoring and reporting on progress, strengthening cooperation between ministries and governmental agencies on the implementation of the Joint Communiqué, identify challenges and obstacles and propose recommendations to the concerned authorities.

The group failed to meet monthly. It also did not organize meetings (supposed to be quarterly) with tribal leaders, clerics and civil society organizations. Its reports do not reflect important indicators for addressing gender-based violence (GBV) especially sexual violence.

Policies and plans have contributed to a range of initiatives, most notably the compensation for Yazidi victims of sexual violence, and livelihood support. Survivors were covered by Act No. 20 on the Compensation of Victims of War Operations, Military Mistakes and Terrorist Operations (2009 amended 2015). According to Dr. Bushra Al-Obeidi, almost a thousand survivors were included in compensation and survivors with social welfare benefits were 829, according to the Director of the Department of Women's Protection at the Ministry of Labor.⁴⁵

A shelter for women survivors of GBV, including survivors of sexual violence, was opened by the Ministry of Labor in March 2018 and the shelter management SOPs were also developed. However, the shelter did not receive any survivors because there was no law allowing survivors to be referred to the shelter, which practically started to provide services only in February 2019.

8.1.6 Yazidi Survivors Law Draft

The text of the draft law, which was sent to the parliament on 28/3/2019, was to establish a general directorate for the welfare of survivors, based in Mosul, which will count and prepare survivors' data, provide the necessary care, provide shelters suitable for them, create educational opportunities for survivors and their children, employment opportunities, and opening health centers and clinics to treat and rehabilitate them psychologically, socially and professionally. The Directorate also addresses the legal status of children born of surviving mothers in accordance with the law. The draft law grants the relevant survivors a monthly salary no less than twice the amount of minimum pension, as stated in the unified retirement law No. 9 in 2014, as well as granting a them a plot of residential land. The draft law allows survivors to return to school, regardless of the age requirement and allocates a national day to commemorate the abduction of Yazidi women. The law also states that the perpetrators of the abduction of Yazidis should not be included in the amnesty law and considers what happened to the Yazidis women crimes of genocide.

8.1.7 ID Issuing Committee for Orphan and Homeless Children

This committee was formed in 2014 and it consists of representatives of several sectors, including the Ministry of Labor, the Directorate of Minors' Care, the Directorate of Civil Status,

⁴⁵ Comment by social protection director in the ministerial technical group meeting to implement the joint statement plan of Baghdad in 2018.

the Community Policing, the Ministry of Health and the Iraqi Media Network. Its mission is to issue IDs of civil status for the displaced children who are sheltered in government institutions and State Shelters and their accompanying mothers in women's jails. The committee work then expanded to include slum dwellers and vulnerable groups in society.

The committee did not produce documents for children born to ISIS parents, including those in State Shelters, nor did they obtain documents for children born to Al-Qaida members since 2007. In the absence of documents proving the fact of marriage or the identity of the father, which is common case the Committee receives, the child is registered as of an unknown father, although it is possible to prove the event of marriage and to obtain the documents of the parents, which require lengthy, but not impossible, procedures.

There is no discriminatory indications or marks on the documents issued for children of unknown lineage. However, those children who will grow up later are labelled in the civil registry where documents that prove the absence of origin are attached, and the child is registered as of Iraqi Muslim origin according to Article 3B of the Nationality Law No. 26 of 2006. This means that the label will accompany the child for life in all procedures such as travel, marriage, employment and his newborn babies' registration.

Although it is critical to develop and adopt such plans in the areas of protection against sexual violence and child protection, measures taken are insufficient to ensure that right holders have access to and ensure their knowledge of their rights. The measures taken were not sufficient to provide protection for both children born of sexual violence and children born of ISIS parents. The strategic objectives of child protection have not been incorporated into Iraqi legislation.

These plans and policies lack in what the child protection policy calls “community engagement” and this leads to a decline in the level of awareness about children rights, protection, violations, laws, service roles and the role of their providers.⁴⁶

8.2 Traditional and Informal Protection

Because of its traditional cultural structure, Iraq is characterized by multiple frameworks and sources of informal protection that provide assistance and care to vulnerable groups, thereby helping to prevent or reduce the risks of poverty, social exclusion, loss of family supporter or loss of parents. Although the traditional protection system does not necessarily guarantee best practices in favor of children's rights, it can compensate for deficiencies and fill gaps in formal protection that often fails to provide comprehensive coverage of needs or excludes certain groups that should be covered.⁴⁷

Informal forms of protection include dozens of civil society organizations that focus on providing aids and assistance to orphans, widows and displaced persons, although the number

⁴⁶ UNICEF: national policy charter on child protection, promoting national environment for child protection, p 5.

⁴⁷ Hasan Lateef Kadhim: social protection system in Iraq: stakeholder analysis. 2017, p 16-17.

of beneficiaries is limited, and assistance is uneven due to limited resources and funding. The religious establishment plays an important role in social protection because it is linked to the system of Zakat, charity and Khums, in which religious people make financial donations as part of their religious duties. Religious institutions allocate the funds to orphans, poor people and widows. However, this assistance is often erratic and cannot be guaranteed to children because of the public and official attitude that they are partners in the crime committed by their parents and not victims.

Tribal arrangements are one of the oldest forms of social solidarity in Iraq, providing the most important source of protection for vulnerable groups in society in providing social, living and educational welfare⁴⁸. It depends on the kinship and the role of tribal leaders. Some tribes and families have created assisting funds based on monthly contributions to provide assistance in cases of death, conflict solution and some contingencies according to rules determined by tribal leaders and based on customs and tribal laws. The value of the fund accounts for one-third and two-thirds of the damage caused by the tribal member⁴⁹.

In terms of child protection, the extended family (father of the father, his mother and their brothers) has a common responsibility for children in case they lose their parents or one of them. Often, this protection is mandatory. There is a social stigma against families who retract their responsibility towards children who have no parents or lost one of them, and a person is ashamed to leave the children of his brother or sister without shelter or food. The protection provided to children in this case is limited to food, shelter and clothing. They are usually treated with discrimination and are seen as competitors for the original children of the family over the resources, especially if they are limited.

In general, the extended family and traditional and informal protection systems have not been able to meet their responsibility for children born of ISIS parents. The tribal agreements, which were held to banish families associated with ISIS, and arbitrary security measures, arbitrary arrests and forced evictions, have overshadowed the traditional or informal protection system of tribal structures in Iraq. The punitive measures and policies that have been adopted against the families of ISIS have led to the collapse of this protection and the loss of its influence. The fear that the family will be charged with affiliation to ISIS and security prosecutions led to the abandonment of many of the families from their role in providing support and care to their daughters allegedly married to ISIS men. Some families had to denounce and recant their son or daughter in case of marriage to an ISIS member to avoid the punishment and protect the rest of the family. Salam al-Rafidain organization has observed more than 20 cases of women in Anbar who were recanted by their families.⁵⁰

⁴⁸ Ibid, p 34.

⁴⁹ Ibid, p 34.

⁵⁰ Report of Salam Al-Rafiden organization 2017.

A woman who has six children from her first husband, who became an ISIS member and a seventh child from her second husband, who married her after the death of the first one to support her and her children, said: "My parents have denounced me for fear over my brothers being punished and expelled from their area of residence."

On the other hand, the sanctions imposed by the tribal conventions on those who harbor a child of ISIS father urged many families to abandon their responsibility to care for orphaned children whose parents died in battle or have been arrested on charges of belonging to ISIS. In south of Mosul, there are three children, the oldest of them is 6 years old, who live on their own after they were abandoned by their uncle who lives in the camp itself. Another uncle of them was unable to shelter them in his home in al-Sharqat district of Salahaddin province because some militias threatened to blow up his house and cut his salary if he decided to keep these children.

More seriously, the sanctions imposed on the care of children born of ISIS led to a destabilization of the concept of maternity of many mothers who had to give up their children to ISIS parents, return to their families, or marry again either under the coercion of family or to avoid sexual abuse they faced in the camps. There are hundreds of children separated from their families in the camps, some of whom live under the care of a nine-year-old sister, or under the care of older grandmothers, women with disabilities, or unrelated women, and their relatives cannot have them for fear of the militias.⁵¹

The declaration of disavowing, imposed by the official and tribal authorities on the families that have members of theirs in ISIS, would contribute to cut all familial and tribal relations of ISIS families, and represent a social capital, especially in a society like Iraq, and children in particular will suffer from this on the long run. This means that these children cannot afford to live and enjoy the care and protection of their families all their lives.

Most caregivers for separated children are grandmothers and grandparents who live in camps. This does not mean that there are no families whose financial conditions and having not been involved with ISIS allowed them to provide care for their grandchildren and their mothers, most of whom were not evacuated to the camps and remained in their areas because they are not included in the banishment conditions like the families suspected of supporting ISIS. The procedures taken with ISIS families varied from one region to another, allowing some families to receive their daughters and take care of their grandchildren.

Some families welcome the return of their daughters, but the conditions of detention in the Camp, for example, prevent women from returning to their extended families. A woman who is

⁵¹ There are 89 children who are separated from their parent in Al-Madraj camp alone. In Jadaa 5 camp, organizations counted 400 of them due to the death or imprisonment of their parents. In other cases, mothers leave children to be reunited to their families.

a mother of three children and detained in Camp since a year and five months ago, said she had taken no-objection measures and denounced her husband. Her brother was her guarantor and her parents wanted her to return to them, but the camp security did not allow her to do so.

As for the tribal role and the leaders in protecting the women and children associated with ISIS, the roundtable discussions with the sheikhs and the tribal leaders showed that these leaders have no authority in their regions and that their influence has become very weak and that the issue of banishing the families to which they belong or to return them to their areas is beyond their powers. This is due to two reasons, first, the forces that control the decision and direct the course of things are the militias and not the tribesmen or sheiks. "The sheiks are in trouble, they cannot do anything to bring back the women because if they do that, they may be accused of sympathizing with ISIS, especially since all the returnees to Salahaddin are accused of collusion with a ISIS fugitive and are at risk of imprisonment. There is big pressure by the armed groups not to allow the return of such families."

Second, the loss of their ability to influence their tribe members after they abandoned their areas and fled to safe areas during the control of ISIS. The sheiks of Anbar tribes recognize the weak role sheiks can play to bring back the women and children associated with ISIS, after they have become a target and subject to the hatred and grudge of the families of the victims of ISIS who see in their sheiks only a group of extremists who abandoned their people in their ordeal in the rule of ISIS time, having spent this era in safe places out of ISIS reach.

Those sheiks do not have any authority or influence in issuing documents to children because most of the officers of the Interior Department, who run ID services, are outside the province of Salahaddin, meaning that they do not respect the sheiks of this province and the problems of its inhabitants.

"We cannot mediate to facilitate the task of issuing civil documents for children. All officials are from outside the province of Salahaddin, and we cannot go to them. Sheiks hold no legal authority or symbolic stature. If it was in the hands of tribal sheikhs, they would find a solution to all these problems, but it is no longer in the hands of sheiks."

Besides, there is another problem in the liberated governorates, which is the multiplicity of leaders and the multiplicity of decision makers. Tribal militias represent an authority within the province, military operations command is a second authority, the national security is yet a third power, and so on. When a family is returned with approval of one power, it could face rejection of another power.

9) Challenges Facing Children Born of Rape or of ISIS Fathers

9.1 Community Attitudes and Stands

Tribal culture in Iraq tends to condemn and hold women accountable even in cases where they are the victims of sexual violence to the extent that women who are raped are sometimes killed as being a source of shame for the family and the tribe. The Yazidi community does not differ in this. Their customs and traditions prohibit marrying women or men from outside the Yazidi religion. This culture does not tolerate the establishment of extramarital relations. There are many cases in which women were killed because of their association with men from other sects and religions. However, the community has shown acceptance of victims of rape, and sympathy with cases of sexual slavery. Local and tribal leaders have shown a supportive attitude to women raped and forced to marry. They cannot kill all raped women to get rid of the stigma as they do in tribal customs.⁵²

The spiritual father of the Yazidi religion declared a fatwa calling the Yazidis to welcome the return of women who have been subjected to sexual slavery and forced to convert to Islam and not to punish, denounce, or describe them as shameful. This fatwa encouraged women who were captured to return to their society without fear and to promote the acceptable position of women in the Yazidi community.⁵³

The Iraqi Tribal Charter for Community Peace, issued in February 2017, considered women who were raped or subjected to any form of sexual violence as victims who deserve the support of organizations and society. However, the Charter, issued by Al-Sabawi tribe, excluded the woman who had forcibly married the members of ISIS from the decision of banishing the families of ISIS, and allowed them to stay⁵⁴. On the other hand, the Sunni Endowment Council ruled that a man who raped a woman an adulterer if he thinks his deed is religiously not allowed, and a disbeliever and apostate who should be killed if he thinks his deed is religiously permissible. The woman who was forced is not considered a sinner and should not be punished, but should receive sympathy, protection and relief from effects of abuse.⁵⁵

However, tribal men have a big problem in accepting the children born of this rape, because the fathers of the children are not known. Lineage is the link between the man and his father and then his ancestors, and it is a fundamental issue in the tribal system on which the status of the person and his position in the hierarchy of power depend.

According to the Islamic legislative system, a child cannot join his father and register in his name unless he is born of a legitimate marriage. Children who are born out of marriage, including

⁵² Round table sessions held by UN-Iraq with local leaders and activists in Baghdad 2018.

⁵³ Round table sessions held by UN-Iraq with local leaders and activists in Duhok 2018.

⁵⁴ UNAMI, Protection and Enhancing the rights of sexual violence victims captured by ISIS, 22 August 2017.

⁵⁵ Sunni Endowments Council, Fatwa council: The Attitude of Islam towards rape. 2017.

those born of rape, cannot be given lineage even if the perpetrator married the victim. Births from unsanctioned marriage is forbidden even if it is not contrary to the law.⁵⁶ Therefore, there is a problem in accepting bastard children. "We cannot accept an unknown child, or a child whose father committed crimes" said one of Diyala Tribal Sheikhs.⁵⁷

Children born outside wedlock, including those born of rape, are called "illegitimate children or children of adultery", i.e., children born of forbidden relationships and are therefore perceived as being defiled and unfit because they were born as a result of an act God forbid and prevented by social values and customs.

9.1.1 The Yazidi Community's Attitude to Children Born of Rape

The Yazidi community did not allow the return of any woman, accompanied by a child who was born while she was captured by ISIS. There are many complications that make the acceptance of children born as a result of sexual violence a very difficult process, especially the nature of Yazidi religion which has a closed and non-missionary system. Yazidi religion cannot be embraced converted to; to be Yazidi in religion one must be born to Yazidi father and mother.⁵⁸ Yazidi activists claim that the main obstacle to accept children born as a result of sexual violence is the Iraqi legislation. If this legislation is amended, Yazidi's willingness to accept these children will be greater.

Iraqi legislation does not help children in this case. A child born as a result of sexual violence is considered of unknown lineage according to the Iraqi legislation, and is registered as a Muslim even if the mother is not Muslim,⁵⁹ which is considered by the Yazidis a violation of the privacy of the non-Muslim communities, and a form of religious coercion similar to what ISIS did to them when it forced the Yazidi women and men to convert to Islam.

The Iraqi legislation stipulates a compulsory change to the religion of minor children in case one of the parent is a Muslim. Article 21 of the Iraqi Civil Status Law No. 65 of 1974 states: "In religion, minors shall follow the religion of the parent who is a Muslim."⁶⁰

⁵⁶ Bassam Khidhr Al-Shatti, The Importance of Lineage in Islam. Al-Furqan Website. March 2014: <https://www.al-furqan.net/articles/3709.html>

⁵⁷ Round table sessions held by UN-Iraq with local leaders and activists in Baghdad 2018.

⁵⁸ Ibid.

⁵⁹ The choice of the Islamic religion and the Iraqi nationality for children of unknown lineage is legally binding according to article 32 (2) of the Civil Status Law, Article 45 of the Juvenile Welfare Act and Article 20 of the National ID Card Law. Judge Salem Radwan explains the reason as being dependent on the environment where that child is found because Iraq has an Islamic majority, the existing hypothesis that he is an Iraqi and Muslim, unless otherwise proved. Except if the father is known and the mother is unknown, his religion will be according to his father. See: Salem Radwan. Regulatory provisions of those of unknown lineage in Iraqi law. Unpublished research in the archive of Dr. Bushra al-Obeidi

⁶⁰ Saoud Masto & Khidr Al-Domali, Social and legal Yazidi perspective of children born to Yazidi women captured by ISIS, (in process of publishing, from the author's archive).

To the Yazidis, this means that if a child is registered as Muslim, it is Islamization of his mother and his minor brothers, which poses a serious threat to Yazidi religious identity and their existence. There are concerns that the assimilation or integration of children in the Yazidi community may be a reason for new problems and future conflicts for the Yazidi community, the source of which is the biological father's demand for these children and this may be a pretext for a new genocide campaign against Yazidis.

Yazidi activists claim that threatening messages have already reached to the Yazidi community because they forced women to make abortions for their children from Muslim husbands, and some of them demanded to know the fate of their children and to whom they were handed. The identity of the child is linked to the identity of the enemy, so the Yazidis refuse to call them children born as a result of sexual violence and call them ISIS children who are seen as the sons of the fighters who committed the massacres against them. They consider embracing a child of an ISIS father who has displaced and killed Yazidis, including members of the same family, is a disgrace for Yazidi community and a form of despise, especially as they still live in the camps after being displaced away from their native areas whereas the perpetrators have not been held accountable or punished.

On April 24, 2019, the Supreme Yazidi Spiritual Council issued a statement to accept the children with their Yazidi mothers in an attempt to retrieve all the kidnapped women who did not return because their children were not accepted. The statement raised large objections and controversy in the Yazidi community, forcing the spiritual council to abandon the decision and issue an explanatory statement after three days showing that it meant to say that Yazidi children are those who were born of two Yazidi parents.⁶¹

9.1.2 Attitudes toward children and mothers associated with ISIS

The attitude to the children born of ISIS fathers expressed a rejection, and refusal whether officially, tribally and publically, looking at those children as being a source of danger and security threat and not as victims. At the official level, the Provincial Councils in Mosul, Anbar and Salahaddin issued resolutions to expel families whose members were associated with ISIS from these areas and banish them to special camps, and not to allow them to return to their areas⁶². Local governments argued that the purpose of banishment is to protect these families from acts of revenge in light of the weakness of the capacities of the security authorities in the provinces and inability to provide the necessary protection for them. However, the officials' statements clearly reveal a view of rejection to the children of ISIS as they call them, because they are seen as the next generation of extremists, and the solution here is to abandon them. The

⁶¹ Yazidi supreme spiritual council: document dated in 2019.

⁶² Human Rights Watch, Iraq. Deportation and detention of families of ISIS suspects by local decision. The official website of the organization <https://www.hrw.org/ar/news/2017/03/05/300796>.

Provincial Council of Anbar considered them the biggest threat to the province and expressed concern that they would follow the same path as their parents.⁶³

At the unofficial or public level, tribal leaders have adopted documents and agreements calling for banishing the families allegedly associated with ISIS and preventing them from returning to their native areas and dealing with women and children as accomplices in the crime committed by ISIS and must be punished with forced eviction and banishment.

In Mosul, the Jabour tribes formed committees run by their leaders, with the assistance of members of the security forces, to identify of the families whose members belong to ISIS and confiscate their official documents and then forcibly banish them or transfer them to camps outside their areas. The tribal agreement of the representatives of the large tribes in Mosul, approved in March 2016, made a decision to evict the families associated with ISIS and transfer of their property to the victims as a means of remedy. The refusal to accept children born to ISIS fathers was more pronounced in the decision taken by the tribes of Al-Sabbawi, when they stipulated that the wife of an ISIS man should abandon her children, especially males, if she wanted to return to her family. Any family sheltering such child of an ISIS father should be banished.⁶⁴

"The tribes cannot accept the son of ISIS" said a sheik, "we cannot protect them or give them to a foster family because no one accepts sons of ISIS." They consider the decision to cast them away as a form of protection to society from the re-production of extremism. They describe them as a source of danger and a threat and believe that these children are carrying the thought of their parents, and this may allow in the near future the return of the extremists and Jihadists to their areas. On the other hand, they may call for revenge for their fathers when they grow up.⁶⁵

However, there are economic dimensions in the exclusion and banishment of the families, which is to confiscate their properties and homes under the pretext of revenge and the connection with ISIS as expressed by tribal leaders in Anbar. They stated that those who threatened families and put red signs on their homes were seeking to seize the property of these families on the pretext that they are wanted as being affiliated with ISIS.⁶⁶

The economic dimension of banishing ISIS families has another practice of great importance in the tribal customs, which is called "*diyya of fasil*" i.e., a compensation the family of the offender

⁶³ Ahmed Al-Tayyar: Daesh families: problem of the liberated cities in Iraq. 2017. <http://www.irkna.com/2017/08/13> & <https://zahma.cairolive.com/>

⁶⁴ UN mission-Iraq (2017): report on civilians during Mosul operations and liberation.

⁶⁵ Round table sessions held by UN-Iraq with local leaders and activists in Baghdad 2018.

⁶⁶ Tribal leader from Anbar: a questionnaire in this regard resulted in 65% of those who refuse the return of Daesh families are not Daesh survivors or harmed by Daesh actions. They refuse because of personal disputes or to blackmail the families for money.

or ISIS militant should pay as a price for their return. The tribal leaders' discussion group stressed that this *diyya* or compensation is an obstacle before women and children and their return to their areas. The return of women is hindered because they do not have the traditional compensation to guarantee a truce and allow the return of families. In tribal customs, even if the offender is tried and sentenced to death, his family must pay compensation to the victim's family and the amount of compensation in cases of perfidious murder is 160 million Iraqi dinars.⁶⁷

9.2.3 Decrease in the rejection attitudes toward the return of women and children associated with ISIS

Sheikhs and tribal leaders claim that attitudes of rejecting children and women associated with ISIS have now declined, and that the hatred and social rejection of the return of families associated with ISIS are now less acute. In Anbar, the families detained in the a camp were allowed to return to their areas. Sheiks of Salahaddin tribes also believe that the popular and social attitude that rejects the return of the families associated with ISIS and hatred against them are now less than before, and some families have already started to return to their homes. The reason for the change in attitudes, according to leaders and dignitaries of the tribes, is the sexual exploitation of women in the camps, which has become a source of shame on the tribes, and led to the exposure of men to humiliation and stigmatization because women who are remaining in camps are vulnerable to sexual exploitation. The leaders feel that their own honor is affected by the sexual exploitation of women. "The presence of women in the camps is a disgrace to the tribal man in Anbar, the army tells us that if we were really good, our women would not have been violated in the camps," said one informant.

Tribal leaders realized that the destitution and the difficult living conditions that women are facing in the camps might push them to bargain over their bodies to secure the essential needs of their children. The truth is that the acceptance of the return of ISIS families came after the government began to pay compensation to those who were affected. Although the amounts provided by the government are not proportionate to the amount of property damage, they were enough to sooth the memory of the victims. "After the distribution of the compensation, however small, there was acceptance of the idea of the return of women associated with ISIS and their children," says one participant in the group discussion sessions. However, the return of women and children to their areas does not mean accepting them, reintegrating them into society and providing them with traditional protection. On the contrary, it may mean the beginning of another kind of discrimination, stigmatization and exclusion. "We tried to get the women out of the camps and bring them back into our society, all of this with reluctance and bitterness, we were forced to do so, and these families will remain accused and stigmatized," says one of the sheiks of Albo Assaf tribe.

⁶⁷ Sheik Mohamed Al-Mohamedawi, a tribal leader in Fallujah in a discussion group with tribal leaders, 2018.

The situation in the Mosul seems to be different. Discussions with sheiks and dignitaries of Mosul did not refer to the return of women associated with ISIS and their children. Rather, they focused on building villages and complexes for women and children associated with the ISIS, indicating an implicit refusal to return to their areas and villages.

9.2 Deprivation from Civil Official Documents

Civil certificates and documents represent one of the most significant challenges encountering children born to ISIS militants. There are some complications in the procedures of registration and getting a Civil Status ID card. This shall leave the children, and their mothers as well, before a variety of problems, as the legal bond between them and the State will be missing. This may consequently lead to their deprivation from the rights of citizenship, and as a result, those children will not have an opportunity for education, access to health care, and inheritance. Socially speaking they will become illegitimate children and will be outcasts as well as the social stigma. Also, their lack of nationality will lead to the lack of documentation and registration for successive generations, for the person who is lacking in the nationality transfers his legal status to their children and then to their grandchildren, which means an increase in the matrix of the problem of the people of no nationality in Iraq.

The civil status departments responsible for issuing the documents have been suspended, and the civil register of each family belonging to one of ISIS members has been frozen. All files, including the issuance of documents, shall be subject to security scrutiny. If the child appears to have a father, or even an uncle or brother belonging to the ISIS organization, his request shall not be moved. Which means that thousands of children will be unregistered and have no official presence in the state records.

There is no accurate and comprehensive statistics on the number of unregistered or children, or those without Civil ID documents. However, the field observation revealed that large numbers of children born during a period of ISIS control and in conflict zones have no documentation.

No law or decision has been issued to prevent children associated with ISIS of civil documents. However, many organizations providing legal services have stopped following-up the procedures for the issuance of documents for children born as a result of the conflict and in the conflict zone, and particularly those born to fathers from ISIS. Some lawyers argue that once the mother says that the child's father is accused of belonging to ISIS, all procedures are suspended.

None of the relevant authorities could explain the reasons or motives behind the prevention of documents and the freezing of the civil register of children born with relatives suspected of being members of ISIS. According to officers at the Directorate of Nationality and Legal Service Providers, a decision to stipulates the presence of the father in person (whose issue number or issuing authority is referred to) as a condition for obtaining a birth certificate or a civil ID for family members. This makes the issuance of IDs for each child whose father is suspected of

belonging to ISIS, or to have been a victim of ISIS, a very complex matter. This confirms the tendency of local governments not to register the children born to fathers from ISIS because of their political identity.

9.2.1 Challenges of Accessing the Necessary Documents

The majority of children born to fathers who are suspected of belonging to ISIS have no birth certificates, which results in the impossibility of proving the child's lineage or obtaining the civil status IDs for them. The officially registered birth certificate is a guarantee for the child to enjoy all the rights stipulated in the national laws, including the right to acquire citizenship⁶⁸. Interviews with service providers, officers working in the relevant departments and mothers' testimonies revealed a bundle of reasons why their children were not able to have birth certificates.

1. The Iraqi authorities do not recognize the documents issued by ISIS. There are many marriages held in the religious courts established by ISIS for this purpose, and there are many births registered by ISIS, and several birth certificates issued by this organization. The Office of the United Nations High Commissioner for Human Rights documented 800 children whose births have been registered by ISIS, but many of the families have destroyed or hidden them because the existence of these documents exposes them to legal responsibility in some areas. These documents do not help much in issuing a civil status ID for the child unless the government recognizes it, and this threatens children and puts them at risk of losing the nationality or citizenship.
2. In many of the areas which witnessed conflict, hospitals required the father's presence in person to issue birth certificate to the child and in case of absence of the father, they assume that he is an ISIS militant. In a hospital in Kirkuk city, a mother and her newborn infant were detained for three days because she has no documents, and the father did not attend. They were not released till the Red Cross intervened.
3. Pregnant women, mostly young girls, were forced to give birth within the tents to avoid arrests, and there were tents for informal births inside the camps. In this case, the mother cannot obtain a document proving the child's date of birth.
 - 1- In Al-Rutba, to the west of Anbar, when the birth occurs in the hospital, the mother receives a receipt to obtain a certificate of birth from the Department of Statistics in the hospital. After the liberation of these areas, such receipts are gathered and sent to the security office for the purpose of stamping it. If it is proven that the name of the father is in the lists of the wanted people, the receipt will not be stamped, and the child will have no birth certificate.

⁶⁸ According to the staff of INTERSUS, the procedures were relatively easy. If there is no marriage certificate, but the mother has a birth certificate stamped by ISIS, the certificate is certified by Al-Batool Hospital in Mosul. If the father was missing, then witnesses should be brought. (Huda is a social researcher from INTERSUS)

- 2- There are committees from the Civil Status Department which visit the camps every two weeks to verify and register new births. Sometimes, this committee comes after a long time, which makes registration procedures more complicated. The parents of the child then must go to court to issue birth certificates.

Non-registration of births makes the infants born to parents affiliated with ISIS more susceptible to being stateless individuals, as this may leave them without proofs as to their place of birth, their relationship with their families and other necessary documents which prove their nationality in accordance with the valid applicable laws.

If the birth had occurred 40 days ago and it was not registered in the official records, the mother will be required to file a lawsuit at court to prove the lineage of the child so as to be able to issue a birth certificate from the Civil Status Court, according to the Iraqi laws. Neither mothers nor legal assistance organizations could get birth certificates for the infants born to fathers belonging to ISIS.

Among the challenges encountering getting a birth certificate is the fact that most of these families do not have the required official documents and paper that enable them to file a lawsuit to prove lineage.⁶⁹ This is either because such documents were confiscated at the checkpoints or by the camp administrations,⁷⁰ or because they were lost or burnt in the bombing and displacement, or because the documents and marriage certificates were issued under the rule of ISIS, or the families destroyed or hid them in fear of security prosecutions with charges of affiliation with ISIS. In this case, those who want to issue a civil statue ID for their child should go first and issue IDs for their own.

Making notification is another obstacle encountering the procedures for obtaining documents that must be accompanied by a formal notification to the husband, and if the husband is not notified or is in unknown place, it becomes very difficult for the mother to continue the procedures for obtaining the birth certificate. In this case, according to lawyers, the mother must wait for three years as of the date of reporting the loss of her husband to be able to proceed with procedures for obtaining official documents.

There is another problem which is: for a mother to obtain a birth certificate, she has to file a lawsuit against her husband or his family (in case of his absence) so as to prove the lineage of her child. The problem lies in the fact that many women do not know where the husband's parents are, either because they are abandoned or displaced to a place that the mother does not know, or

⁶⁹ The required documents include: the ID Cards, Certificates of Iraqi Nationality, Residency Info. Cards for both mother and father, as well as their marriage certificate.

⁷⁰ In Jad'aa Camp, South of Mosul, more than 6,500 people were displaced during the military operations to the Hall Camp, which is located inside the Syrian-Turkish border, where they were evacuated from the Camp and returned to Iraq, all of them are without documentations, after the authorities confiscated their documents and official papers so that they could not move outside the Camp and get access to another country. UNHCR tried to follow up the issue of returning their documents, but the problem, according to the staff of the said Commission, is that no one knows where their documents are and to whom they were given.

because all the male members of the father's family are suspected of belonging to ISIS and nobody knows their destiny. In some cases, they just deny and disown their daughter-in-law and her children.

In addition, finding some eyewitnesses who testify before the judge the event of marriage, birth or death, which is a prerequisite to comply with the procedures for obtaining the birth certificate, and this is still another problem. Many of the women interviewed could not convince anybody to present a testimony before the court for the benefit of some people whose men are affiliated with ISIS.

One of the most important obstacles to obtain these documents is the lack of money. All the parties need big sums of money that are not available to the mother who lives in the camp without any breadwinner, work and financial resources.

The applicant for ID must bring a true copy of the civil register form from the Civil Status Department in the area in which he lived prior to his displacement. Many people will not be able to obtain a true copy of the civil register for reasons that will be stated in the following pages.

As for obtaining a passport or Iraqi Nationality Certificate is more complicated, simply because it requires the presence of the father and take his fingerprints, or at least a document proving the custody of the mother upon the child which is impossible to get unless the husband is proven dead, and a death certificate is issued to him, which is almost impossible, for the security entities prohibit issuing death certificate for a person affiliated with ISIS, and it is not possible to get it certified or stamped by the security entities at present.

Judges in some Governorates have confirmed having received instructions that prohibits issuing custody certificates, and this prohibition intends to eliminate the chances of escape for the families which include members affiliated with ISIS, particularly wives and children who seek to join their husbands. In Tikrit, only one custody certificate was issued since the liberation of the city, till the moment.

Ramadi court did not issue any birth or death certificates for families suspected of belonging to ISIS. The court's staff confirmed that no lawsuit or case has been received for the issuance of a legal inheritance bill, or guardianship certificate. There are no completed cases of this kind due to security obstacles preventing the fulfillment of the conditions of such claims, and consequently preventing their access to the courts. There are seven security agencies for women to obtain their consent and seals in order to be able to proceed with the procedures of the lawsuits of guardianship, custody and others.

9.2.2 The Security Indicator as being a Major Obstacle Encountering Obtaining Official Documents

Obtaining the consent of the security entities is one of the most important challenges facing the procedures of getting documents for all those who are supposed to be related to the members of

ISIS,⁷¹ after contacting the security authorities and obtaining their stamp has become the first step before the motion of any petition. Names of applicants for documents are scrutinized and checked, and if it is proved that one of the family members (according to the information database) is one of the wanted persons, the petition will not be processed, and all will stop related to the official documents.⁷²

There are no rules or regulations that identify the persons who are excluded from obtaining a security stamp or documents, or whether the ban includes the child whose father belongs to ISIS or extends to his second-degree relatives such as his uncles from father's side, uncles from mother side or cousins.

According to lawyers in organizations that provide legal services, the ban is subject to the discretion of the officers in charge. The officer may refrain from stamping and completing the form because the child's uncle, or one of his second-degree relatives is suspected of being with ISIS, mostly, exploitation and blackmail is behind this practice.

Social researchers in one of the organizations also confirmed that many women with dependents who are supposedly associated with ISIS militants were exposed to blackmailing and bargaining on their bodies as a price for obtaining civil documents for their children.

9.2.1 MOI Decision to Grant Civil Documents Excluding the Wanted Individuals

The officers in the Civil Status Directorate in both Ramadi and Salahaddin confirmed that there is no obstacle or decision preventing children of ISIS militants from obtaining the documents. The director of the National ID Card in al-Ramadi said that the Directorate is an executive authority that issues the documents to anyone, even if he/she is related to a member of ISIS. Other officers in the Civil Status Directorate in Salahaddin also confirmed that a decision issued after the liberation of the territories, but they did not give its issue number or issuing authority, that prevents the issuance of documents to a family suspected of belonging to ISIS. However, now any child who has a birth certificate is entitled to receive a national card based on the Ministry of Interior (MOI) decision, which excludes only the wanted persons whose names in electronic database from obtaining official documents.⁷³

⁷¹ In Mosul, local authorities have taken some measures which make it impossible for the children born to ISIS militants to be officially registered, even with documents and official papers. In the application form, a box will be filled by the security authorities. If the applicant for the identity card is found to be related to one of the wanted persons in the intelligence lists, the application will not be promoted. In Salahaddin, the security seal is the most important step to get a copy of the master registration file, which is a prerequisite document in any procedure related to issuing documents. In Anbar, it is not possible to promote any petition without highlighting the security clip, which is a form signed by six security entities to prove that the family of the holder of this clip or card is not associated with anyone of the members of ISIS whose names are registered in the database.

⁷² Some people believe that the employees in charge of issuing the ID cards are afraid of being accused of helping ISIS if they facilitate the procedures for the families.

⁷³ There was no clear and explicit decision issued by the MOI to allow families of individuals suspected of being with ISIS to get civil documents. But the directorates rely on the circular No. 27584 dated 23/7/2017 which came in response to an inquiry by the Directorate of Civil Status in Anbar under issue number 700 on 30/7/2017 to the

According to this circular, all requests for documents are stamped, and according to the Criminal Affairs Officer at the Civil Status Directorate in Ramadi, all the application forms for the families of individuals suspected of belonging to ISIS have been stamped, except for the ones wanted to the judiciary.

Although more than a year and a half of the issuance of this circular have passed, no one of the organizations that provide legal support services was able to obtain documents for children whose relatives are suspected of belonging to ISIS. The lawyers working in these organizations questioned the proper application of this circular and expressed their lack of trust in the credibility of the authorities in charge in excluding the children of ISIS militants of the requirement of security checking, asserting that these entities improvise in their decisions without returning to the laws and instructions, and they aim at blackmailing the people by hindering the issuance of documents to them.

Lawyers at the International Rescue Committee (IRC) in Ramadi said that the organization was unable to help issue documents to children whose parents were suspected of being in ISIS. The last request to issue a birth certificate made by IRC occurred two months before the interview. The procedures were suspended after the judge requested a true copy of the family civil status record. The organization was unable to obtain the copy because the child's father was suspected of being an ISIS militant.

The circular concerning the exemption of the applicants for civil status ID from families of individuals suspected of belonging to ISIS from the security check, however important, still is unable to remove obstacles before children who try to obtain civil documents for several reasons:

- This circular will only benefit those who have complete documents and identification papers including a marriage contract from the court, birth certificate of the child, updated documents of the father and mother and a recent indication of marital status or divorce. It very rarely happens that these documents are available. In most cases, the marriage contract is either issued by ISIS courts, or outside the court (by tribal or customary agreements). In this case, the civil status ID of the mother indicates that she is still virgin or unmarried. The father's documents are often missing, as for the birth certificate, it is often issued either by ISIS or it non-existent, which means there is a need to issue a birth certificate.
- All of these documents cannot be issued without the getting a copy of a true copy of the family civil status record. But this copy of the registration is a major obstacle in the provinces of Salahaddin and Ramadi because it cannot be obtained without the security seal. The Directorate of Nationality denies the existence of any complications or obstacles in getting

Directorate of Civil Affairs/Records Audit Department , inquiring about the persons included in the ban of Personal Status documents from the families of wanted people and those who have some security issues especially of the first and second degree (wife, children, brother and sisters). The aforementioned circular refers to a previous letter number 19373 dated 25/5/2017 with a comment written by the Minister of the Interior, stating the consent to give passports and other official documents to the families of those who held positions of leading positions of the "former regime" unless they are wanted to Iraqi judiciary.

the true copy of the civil status record, and claims that the problem is that it does not deal with organizations or lawyers and requires the presence of the person requesting the copy of the record himself/herself.

- The mothers' fear of security prosecution or abusive treatment if they try to go to the Civil Status Department in the areas from which they were displaced.
- The existence of these departments in areas or provinces other than the province or the Camp where the child lives.
- Lack of money.
- The security restrictions that prevents the exit of women or families who have supposed relations with ISIS without an authorized escort (guard), and in some areas such as Kirkuk, these families are not allowed to leave the camp unless they provide a guarantor who ensures their return. In the Camps in Mosul, there is no such procedure but the detainees in the Camps cannot leave it because they are without documents.

9.2.3 Stigmatization in the documents issued to the families of ISIS

The procedures followed in the Iraqi institutions require that in the case of loss of the husband, his wife or any other member of his family may request a death certificate after three years as of the date of his missing or loss. According to the new instructions, the period was reduced to two years as of the date of reporting the loss of the husband after the lapse of which, he will be deemed deceased.

In Heet City, a death certificate was issued for someone suspected of belonging to ISIS two years after reporting his death. However, the death certificate included the following phrase: (the deceased is an ISIS member). In Tikrit court, it is written on the death certificates that the deceased belongs to ISIS gangs. Such a procedure is not legally sanctioned because there is no precedent in the history of the Iraqi courts of this kind. It also means categorizing the deceased who is only a suspect as being belonging to ISIS and judging his as this without trial, and without giving a chance to prove his innocence. Socially speaking, this results in a stigma that may expose his family and his children to disgrace and discrimination, especially as the death certificate is of one of the most important documents required in all official petitions and requests, and the presence of this phrase means that the stigma of his family and children will continue with them for life.

9.2.4 Practices for Obtaining Civil Documents

- Declaration of recanting of the husband: In this case, the woman goes to the police station and provides a statement, evidence and witnesses of her husband's involvement in ISIS terrorist acts and declaration of recanting him to be able to continue the procedures to obtain official documents. However, this procedure is not available for women who lost their documents. Also, many of them refuse to revoke their marriages, especially those who did not witness her husband's death, or the wives of detainees.

- 2. The allegation that their marriage was by force so as to revoke the marriage in court, but that the children who resulted from the marriage will be treated as being of unknown lineage and their documents are issued as such.
- Divorce: A woman who is married to a man suspected of belonging to ISIS may demand separation from her husband because of the harm upon her in order to obtain custody that allows her to initiate the procedures to obtain civil documents for her children. In this case, the divorce is deemed compulsory or by force.
- Some mothers who are married to members of ISIS resort to register their children in the name of her father or one of her brothers to be able to obtain civil documents and this issue raises a big problem in Mosul, they are afraid of the issue of mixing lineages, which is considered in their view more important than the issue of giving name and documents to the child.
- 2. Pay bribes and money to the concerned parties to facilitate the process of obtaining documents (this procedure for those who are financially capable).

9.3 Interrelated challenges

Acquittal

Acquittal is one of the measures imposed on families whose members are suspected of being members of ISIS by the declaration of acquittal and recanting of their relatives who belong to ISIS. The declaration of acquittal requires that women go to the police station and submit a report, proofs and witnesses to the involvement of their husband or relative in terrorist acts. This document requires that a divorce be obtained from a suspected husband.

The declaration of acquittal has become another challenge to obtaining civil documents, although it may be a proper or sole measure to enable proceeding with the process of documentation. Some civil status departments have placed the acquittal document as a precondition for obtaining civil documents at a time when many women with dependents, who are presumed to be in contact with ISIS, will not be able to obtain a declaration of acquittal due to the loss of the necessary documents proving their names, their relationship to husbands or sons involved in criminal acts.

Many women refuse to apply for a declaration of acquittal from their husbands, especially those who have not witnessed the death of their husbands. In their view, this means that they have been charged with severe punishment or fear of being assaulted by the fugitive husband and his family. While others see in the acquittal the final interruption of her relationship with the criminal husband and loss of all rights (like inheritance), especially those who have not proven to be involved in any criminal act.

Acquittal on the other hand is not a recognized procedure in some agencies. It is accredited in Kirkuk and recently Mosul has begun implementing this measure. However, the Court of Appeal of Saladin refuses to recognize the legality of acquittal and considers it a customary tribal procedure of no legal value. It was also considered by the Ramadi Court as a procedure to facilitate the return of families suspected of ISIS-affiliation to their areas and do not serve much in access to civil documents.

Divorce

Divorce is another way or legal outlet to find solutions to the problem of women who are associated with ISIS. Divorce has become a condition in some agencies to proceed with the procedure of obtaining documents, as a woman married to a man suspected of belonging to ISIS applies a request for separation from her husband on the ground of sustaining harm.

The Courts of Ramadi and al-Anbar generally adopt old legislation issued by the former Revolutionary Council No. 1529 on December 31, 1985, which gives the wife the right to get divorce from her husband if he fails to perform military service or fled to the enemy. A second law (No. 1708 in 1981) is also adopted, in which the wife of a convicted husband by court order is granted the right to get divorce. The judges in Ramadi court adopted this law considering that such husbands affiliate with a hostile enemy. The wife is entitled to divorce in absentia because of harm after sending an official letter to the security authorities to ensure that the husband is on the wanted list. Under the divorce law, a woman can obtain a custody case for children that may enable her to initiate documentation process. However, divorce as a way out is not a possible solution for all cases because divorce itself does not benefit the children much. According to the legal expert and legal assistant in the court of Ramadi, the divorce benefits the wife, but it does not benefit the children very much as the woman may not be able to get custody of children. Yet custody of children remains with the father unless the husband's death is proven.

Again, many women refrain from filing lawsuits due to social reasons or stigmatization related to divorced women, even if this is the only solution for them, leaving their children in the end without proper documentation.

On the other hand, pushing a woman to file a divorce case against her husband, who is suspected of being member of ISIS as a solution to the problem of obtaining documents, is a procedure that involves a conflict with humanitarian action. It solves a problem by creating another problem for women, which has led the humanitarian organizations that provide legal assistance to avoid this solution because it is contrary to their principles. Perhaps the most important of all is that divorce proceedings are not easy or available to all, especially those who lost their documents or who have been married to by a religious contract outside the court and this means entering a vicious circle as children stay without documents.

There are other obstacles that make divorce a difficult procedure for women who are married to husbands suspected to be ISIS members. It costs more than one million dinars to provide lawyer wages to get a divorce from the ISIS husband. Most women in camps cannot afford divorce case. On the other hand, this group of women cannot complete divorce process without assistance. They are not allowed to leave camp without an escort, which is not always the case.

10) Response to the Needs of Children Born of Rape and Children Born of Fathers from ISIS and their Mothers:

Despite the efforts exerted by child protection actors in the field of responding to the needs of children in conflict-affected areas, including camps, the services provided are still limited and cannot meet the needs of all children.

In general, there are no special services for the children born of ISIS fathers, nor there is an assessment of the needs of this group, which suffers from special situations for which programs are being developed.

There are 52 national and international organizations working in the field of child protection in Iraq. There are also 8 cluster groups for child protection at the national level, which are distributed to eight provinces to coordinate child protection efforts. They call for monthly meetings to discuss challenges and gaps, and they can play a significant role in funding and training opportunities for organizations that are providing protection services for children.

This chapter seeks to provide an overview of the services provided to children in the camps, with special focus on the most important gaps and challenges in accessing the service. The report is based on the latest updated 4W map released by the Child Protection Sub-Cluster in September 2018, and on the services map for each camp, as well as interviews with organizations, service providers and mothers in these camps.⁷⁴

The analysis of the services in this report is limited to the services provided within the camps, which shelter children and women associated with ISIS, as commonly agreed. Service providers and camp administrations have been relied upon to identify the 14 camps covered by this analysis.

The analysis encountered significant difficulties in monitoring the services provided to children of ISIS fathers outside the camps and in the areas where the families suspected of being associated with ISIS remained without being evacuated. According to the interviews conducted with the workers in the organizations, no services are provided to children born to ISIS parents outside the camps west of Anbar, for example, as local authorities prohibit all organizations and service providers from going to those villages. A number of lawyers and service providers were also arrested and threatened. Also, a number of organizations instructed their staff not to go to these families for their safety. Although there are organizations providing protection services for children in areas under ISIS control out of camps in Hawija and Mosul, service providers are not sure whether these groups can access the service.

10.1 Child Protection Procedures

This section is concerned with four types of child protection services: legal assistance, Child-friendly Spaces and MHPSS.

10.1.1 Legal Assistance and Civil Documents

⁷⁴ It is important to note that this report does not give precise statistics of the available services due to the continuous changes. Many organizations have finished their programs due to contract and fund expiration. Also, new organizations initiated their work while this report was being prepared so the service maps cited here could not include all the changes.

Child protection services include representing the client (child) in court or any administrative body, or assisting in the preparation of legal documents, contracts, applications, dispute settlement and legal advice.⁷⁵

According to service maps, there are 21 programs providing legal assistance in the 14 camps under analysis, but the programs that provide birth registration and civil documentation services are only six, despite the huge need for such services and challenges and constraints faced by displaced children in general in obtaining civil documents, especially children born to ISIS-suspect parents.

The service maps show that birth registration and civil documents programs are not available in all the camps. There is a lack of coordination in the distribution of this service. In Amiriyat Al-Falluja Camp, which shelters more than 82,000 children and 31 camps, there is only one organization providing such service, while in Haj Ali camp, which has about 7964 children, there are only two organization providing the same.

Although the legal support service provides legal counseling and legal representation in almost all camps, it did not provide ISIS-associated mothers and children with much. It did not provide assistance to women whose husbands had not been proven to be involved in acts of ISIS and thus there was no justification for their continued detention in the camp. It also failed to provide adequate information to all women in the camps about the legal options and available support they could provide. In the Al-Shahama Camp, for example, a woman talked about her inability to pay the lawyer's fee of one million Iraqi dinars for divorce from her husband who is ISIS in order to be able to get documents for her three children, despite the fact that there are 4 organizations providing legal support services in this camp.

In general, children and women associated with ISIS cannot obtain access to legal support, civil documentation in camps, or access to services. According to lawyers in organizations that provide legal services, such organizations cannot do much in everything related to terrorism issues. Legal representation cannot be provided to children who are in conflict with the law when their mothers request this service, and organizations cannot provide services to children accompanying their mothers in prisons.

A number of organizations providing legal services have ceased to follow procedures for issuing documents for children born as a result of the conflict and in conflict zones, especially those who were born to ISIS-associated parents. Many of them did not receive the files of children born to families perceived to be associated with ISIL after the local authorities froze the civil records of their families. The security related-issues and obtaining the consent of the security authorities are some of the most important challenges facing the procedures of obtaining documents for anyone suspected to being associated with ISIS, or processing any application, on any case in the areas that were under ISIS control, especially when it involves approaching security

⁷⁵ The sub-cluster concerned for child protection in Iraq. Guide to standard indicators for human response for 2018.

authorities, to get their stamps on the paperwork, which is the first action before processing any application.

UNICEF, in partnership with a local NGO, is implementing a new program in five provinces in Iraq aiming to help obtaining civil documents for children including those born as a result of sexual violence. The program was launched in 2018 and at the time of this report, 135 civil status IDs were issued for children according to the regular monthly implementation report from the NGO partner.

10.1.2 Child-Friendly Spaces (CFS)

All the camps where ISIS-associated women and children are sheltered have child-friendly spaces which are seen as safe places where children can play, learn and get support.

Many of such spaces offer a range of services within these areas, including psychosocial services, informal education, classes and recreational activities, flexibility and life skills sessions that help build children's adaptive skills. Also, some spaces provide awareness-raising activities for parents some organizations transformed child-friendly spaces into multi-purpose community centers providing parental care programs and community structures.

Gaps and Challenges

- There are no child-friendly spaces outside the camp, and if there are some, service providers cannot guarantee access to them by ISIS-born children.
- Child-friendly spaces are not available to all children. Children in remote tents do not have access to these spaces⁷⁶.
- These spaces are not available to all ages. Most of them receive 7-17-year-old children and there are no places for those who are younger.
- Girl, especially adolescent ones, do not benefit from these spaces, except for the those inhabiting the tents nearby.
- In most camps these spaces are small and cannot accommodate thousands of children, and the shifts system is not enough to cover all children living in the camp and there are not enough recreational games.
- Most child-friendly spaces are tents and they are very cold in winter.
- There are no child-friendly spaces outside the camps. In Hawija, for example, the Swiss TDH offers psychosocial support services to children through mobile units.
- These spaces do not guarantee access to activities by children of ISIS-associated parents.
- Children with disabilities do not participate in child-friendly spaces.
- Conditions of detention in some camps (e.g. Al-Shahama camp) prevent children who need special interventions from moving to or accessing child-friendly spaces.

⁷⁶ For example, in Hammam Al-Aleel camp, children in sector 500 south and 500 west, which harbor about 1000 families, cannot access such spaces

10.1.3 Mental Health and Psychological Services (MHPSS)

Many organizations offer psychosocial support programs and services, case management and referrals. Some programs also include awareness raising, first-aid psychotherapy, non-specialized mental health services, and psychological counseling provided by specialist physicians. According to service map, approximately 68 psychosocial support programs are provided within the camps under analysis.

These services are provided within the framework of child protection activities and child-friendly spaces or within mobile units that include more than one service, rather than establishing independent psychosocial services, giving a greater opportunity to strengthen these services.

The activities focus on non-specialized individual and group psychosocial support and some of them offer resilience programs, all of which rely on referrals and case management. However, case management does not benefit children of ISIS-associated parents due to the general weakness of such services within the camps, so the case manager cannot provide the need of the beneficiary by linking him/her to other services because of the weakness or the absence of these services in general. For example, the attempt to return children to schools as part of the work of case management faced the unsurmountable obstacle of the lack of children's civil documents. Additionally, referring them to specialized psychological services does not guarantee the solution of their problems due to the lack of trained and competent staff. Although service providers assert the availability of a strong and efficient referral system, field visits to camps have shown otherwise. Service providers and case managers often try to provide services based on their personal and individual efforts without referring cases to the relevant service organizations.⁷⁷

On the other hand, there is a clear lack of many services that cannot be referred to because they do not exist at all, like the vocational training for adolescents or livelihood support programs. By the end of 2018, and the expiration of many programs, many camps lack in the specialized child protection services. If they were available, they were weak.

Psychological health services are facing a great obstacle represented by the lack of access to cases. A large proportion of mothers do not request these services for their children because they are unaware of the child's symptoms such as aggression, hyperactivity, bed-wetting, or the need for specialized mental health services.

Some organizations that run mental health centers suffer from a decrease in the number of children benefiting from psychological support and mental health services due to the

⁷⁷ There are several cases observed during field visits, which were in need of surgical operations. Service providers had to raise funds from their relatives and friends to do an operation outside Al-Madraj Camp although Doctors Without Borders Organization (MSF) which provides such kind of interventions was acting there. Service providers confirmed that this organization does not process cases that are transferred by other organizations. It only processes cases that are transferred from the governmental health center in the camp.

discontinuation of aids provided by these centers to service applicants. National caregivers believe that these centers are providing nothing, which calls for raising awareness among mothers on the risks of some behavioral disorders.

While activities focus on non-specialized psychosocial services such as individual and group counseling and case management, there is a marked weakness in mental health services. Generally, mental health services for children in Iraq are virtually nonexistent despite the efforts to promote mental health care. There is one doctor for every 250,000 people and one psychiatrist per one million people, according to the psychological needs' assessment conducted by UNICEF in 2016⁷⁸. Additionally, the work of organizations and psychosocial support are focused inside the camps. The families that remain in their cities and are not evacuated have less access to psychological support services. In the center of Hawija, Tel Ali villages and Al-Namla, Swiss TDH organization provides psychological support services for 5 year-olds and over, including flexible programs, specialized referrals and legal referrals . However, service providers are not sure that ISIS-born children receive such services.

There are no specialized psychosocial support services for the more vulnerable children, such as the disabled and the children separated from their families.

Service providers inside the camps complain that unattended children cannot be referred to organizations operating outside the Camp in areas which were under ISIS control in order to reunite them with their families. Some organizations decline assistance requests for safety and security concerns of their staff. Organizations can only provide services in these areas within the extent allowed by the local authorities.

Gaps and Challenges

- The attitude of the local authorities characterized by hostility and rejecting of the security forces to women and children associated with ISIS makes the work of organizations outside camps difficult.
- There is no psychological support or rehabilitation services for children who have been associated with extremist groups, raised during the extremist ideology, and witnessed scenes of murders and executions.
- The general weakness of governmental institutions concerned with responding to psychological problems and PTSD in Iraq is due to the lack of qualified and trained staff on modern treatment methods.
- Lack of qualified and experienced staff in the field of mental and psychological health and support.
- There is a weakness in the activities of awareness of mental and psychological services to eliminate the stigma associated with mental problems and to enhance children's access to services.

⁷⁸ UNICEF (2016): Assessment Report of the Psychological and Social Needs in Iraq, p 9.

- There is no evaluation of program outputs and interventions to obtain feedback that can improve the quality of these services.
- Most organizations that provide child protection services rely on referrals whereas there is a lack of coordination among them on the one hand, and lack of specialized services to which children can be referred on the other hand.
- Lack of services and/or its poor quality, which makes case management or referral unable to meet the needs of children or to respond to psychological and educational needs.
- Lack of support and funds for working organizations, which reflects negatively upon quality and number of programs provided in the field of psychological support.
- Lack of institutions providing clinical mental health services for children to which those who suffer from mental stress and mental problems that need advanced psychological intervention may be referred.
- Lack of assessment or indicators reflecting the quality and effectiveness of psychological services provided to children. There are only numbers indicating the proportion of children who have received the service. As for indicators that reflect the recovery of children and their access to this service, they are not available.
- The training courses intended to the staff are usually given to non-specialists in the field and there is a need for training or guidance during the work provided by experts and on cases in the centers.
- Continuous changes in staff and service providers makes the accumulation of experience difficult.

10.2 Access to Education

10.2.1 Formal Education

The Ministry of Education, with the support of UNICEF and other international organizations, established at least one school in each camp. However, children's access to education and their enrollment rate are very low. One of the main reasons for this is that the existing schools are unable to accommodate the increasing numbers of children in camps. Although schools are working in three shifts a day, and some are dividing the weekdays into three days for males and three days for females, less than 50% of school age children receive formal education in the camps. Some estimates indicate that three out of every four children in the camps are out of school.⁷⁹

All schools in the camps suffer from the lack of educational staff, and the Ministry of Education is slow to send teachers to work in camp schools on the pretext of lack of enough staff, which created a large gap in providing this service. In the school of Shahama Camp in Salahaddin, there is a need for 15 teachers for each male and female schooling. The Ministry of Education sent

⁷⁹ Asma J. Rasheer & Arkan S. Khattab (2018): The social, educational and psychological statuses of displaced women. Third International conference for Middle East refugees in Jordan.

only 6 teachers and 4 of them only started working. These schools also suffer from a severe shortage of stationery, books and other school supplies.

Education in most camps is limited to the primary stage. It is rare to have intermediate or secondary schools inside the camps, and if any, they are for boys, not for girls.

Most children are unable to attend intermediate and secondary schools outside the camps because they do not have security clearance cards (in the Shahama Camp, for example) that allow them to leave the camp.

Children born of ISIS-parents face significant challenges in obtaining formal education and most of them are not attending school, despite the importance of education for their security, stability and protection in the critical conditions they go through.

Civil documentation is one of the most important challenges facing the access of this group of children to education. According to the educational system in Iraq, children cannot attend school unless they are enrolled and have identification documents (civil status ID cards) proving their names and dates of birth. School administrations in some camps, such as Al-Amariya Camp in Anbar, Jad'aa Camp # 5 and Hamma Al-Aleel Camp, allowed unregistered children to attend school but as listeners only (not as students enrolled in school records). However, the problem is that they will not be able to obtain school certificates. To enroll in the ministerial examinations when they reach the sixth preparatory stage in the educational system in Iraq, which is called the "bachelorette". This is enough to frustrate all their efforts and the importance of obtaining the certificate or moving to the subsequent stages.

The Ministry of Education issued a decision at the beginning of the current school year (2018-2019) allowing unregistered children (who have no civil documents) to attend school in exchange for the commitment of caregivers (mothers) to submit their documents to school administration before the end of the same school year. This decision helped hundreds of children of ISIS-associated parents who have no documents to return to school. At the UNICEF-built school in Al-Madraj Camp, service providers said more than 1000 children have joined the school as a result of this decision.

In addition, school administration in Lailan Camp in Kirkuk, and Al-Karama Camp in Salahaddin allowed unregistered children to attend school in return for written pledge to provide the documents. However, this decision was not enough to ensure that all school-age children receive education. Out of 7000 school-age children Al-Madraj Camp, only 1700 have attended primary school, and children who have attended school in return for written confirmation from their caregivers to submit documents before the end of the current school year are under the threat of expulsion because their parents cannot obtain the civil status IDs for their children on time. Also, not all school administrations have accepted unregistered children. Primary schools in Jad'aa Camp # 6 and Hamam Al-Aleel Camp #2 school do not accept unregistered children. The decision came late after nearly five years of displacement and two years after the liberation

of ISIS-occupied areas, and many children are beyond the legal age of primary school, making them in need of so-called accelerated education schools. Such a school was opened in the Jad'aa Camp this year, but this kind of schools is not be available in all camps.

Children who are older than the legal age of primary school pose another problem. Most of them have not been educated at all because of the prevailing culture of the villages from which they have been displaced, which do not prioritize education, and because they have no civil documentation due to the nature of their parents' religious marriage outside courts. The parents of those children, who were enrolled in school, told that school administrations in the areas they have been displaced from did not provide them with documents (because they are children of ISIS militants), and this prevented them from attending accelerated education schools (if available). This requires the student to bring documents from the previous school to prove the stage they passed.

The attitude of caregivers and parents toward education is another obstacle to the return of children to school. Under displacement conditions and difficult living situation of family-heading women who are supposedly associated with ISIS, education is not a priority and the conditions of displacement are one of the main factors behind the lack of attention to education⁸⁰. The attitudes of the supposedly ISIS-associated women toward education vary. Some of them do not take education as priority, and the difficulties of living lead them to prefer to make their male children work rather than go to school. Other mothers have keen interest in their children's education. This is reflected in the number of unregistered children who are enrolled in school in return of mothers' commitment to bring their documents.⁸¹

Service providers pointed out that the Directorate of Education in Al-Qaim district started using the security card system. At least two families from this area requested assistance from the Italian TDH organization for having difficulty in bringing their children back to school due to the lack of the security card (which means that they are affiliated to ISIS).

There are no programs to enable the disabled children to have access to education on an equal basis with others and they do not receive the necessary support to facilitate their access to education.

The lack of children's access to schools creates great problems for them. They have much free time (child-friendly spaces cannot cover it). The life and circumstances of the camp have led to problems such as sexual harassment and smoking among children.

⁸⁰ In a previous study about the status of displaced women, only 12% of the sample were with school-age children and all of them at school, 15% of them have some of their children in school. There were clear variations among children according to gender as the number of male children in school was larger than females. As for reasons, 54% of the sample pointed out to displacement conditions. See: Asma J. Rasheer & Arkan S. Khattab (2018): *The social, Educational and Psychological Status of Displaced Women*.

⁸¹ Service givers in Amiriyyat Al-Falloja camp confirmed that education is not a priority for families with one member associated with ISIS due to the hard living conditions inside the camp.

Gaps and Challenges

- Prejudice and discriminant actions of school principals against students of ISIS-associated fathers.
- Lack of cooperation of school's administrations inside camps and their insistence that students should have documents from their previous schools before being displaced. Families are not able to bring school documents that prove the last school stage the child reached either because of the fear from security threats that may inflict them if they try to go back to their home districts; or because of their inability to go back because of detention; or because such schools refuse to provide them with documents because of their association with ISIS. Also, authorities do not allow them to leave camps, let alone the security challenges they may face if they try to visit their children's previous schools for documents.
- The difficult living conditions experienced by family-heading women who are associated with ISIS make many of them, who were interviewed, obliged to employ their children instead of enrolling them in school.
- There is a great shortage in the number of teachers and the Ministry of Education does not treat this issue on the pretext that it does not have enough teachers to assign, which created a great gap.
- Schools do not provide all stages of education in all camps.

10.2.2 Informal Education and Training

MPCCs and CFCs provide educational activities such as literacy and tutoring classes, temporary education equivalent to formal education without certification or ministry's recognition. However, these activities and programs do not cover the needs within the camps. There is a need for more MPCCs that are accessible by children living in remote parts of the camp and providers are not sure that ISIS-associated children are able to access such services.

Most of these programs are continuous, and the periods of interruptions are mostly long until the organization or program receives funds to resume the work. This leaves a large gap in the service within the camp.

The majority of situation-analyzed camps lack vocational training and income-generating skills for young people and adolescents over 14 of age, although they are important in supporting livelihoods and expanding planning options for aftercare, especially for separated and unattended children.

The Italian TDH organization carried out a vocational training project at Jad'aa Camp #6 that included young people aged 16 to 24 to be trained in hairdressing, painting and computer. However, there is a need for other centers to provide such services. Training projects such as small grants or livelihood projects are needed so that adolescents who have received training can benefit from it and to some extent can increase resilience at both the individual and family levels.

10.3 Health Services

The Ministry of Health provides primary healthcare services free of charge to all camp residents, as well as health services provided by international and local organizations in the form of stationed clinics or mobile units. However, there are no criteria for assessing the quality of health services provided in camps.⁸²

Camp residents complain that the dental treatment is done without anesthesia due to lack of this substance inside health centers, and there are no specialized doctors such as opticians inside the camps.

Health services within the camps include pregnancy care and in some camps, there are delivery and maternity wards supervised by the Ministry of Health under the auspices of the UNFPA.

However, many pregnant women, mostly young girls, do not go to these wards or to obstetric hospitals due to the fear of being prosecuted. They prefer to give birth in tents, and some of them are unofficial, and live there secretly in order to avoid arrest or detention or in order not to identify the father especially after detaining some women in Kirkuk hospital.

Service providers in Al-Madraj Camp confirm that there are informal tents run by an unauthorized midwife to whom ISIS-associated pregnant women go in secret. Many babies died at the hands of this midwife. Unmarried pregnant women, especially sexual violence victims, also go to this midwife to have abortion.

All children in the camp are subject to vaccinations according to the program and the dates set by the Ministry of Health. The health center provides children with specialized health services for those who suffer from health problems or obstruction during birth, and it does not request any documentation for such services.

Regarding access to specialized medical services and emergency situations, children associated with ISIS are facing significant problems. There are also many gaps in interventions by referrals to specialized services who need emergency surgeries. The foremost gap is a clear weakness in the referral system. Despite the availability of ambulances in some camps, it is difficult for children to access health service in a timely manner. The monthly report of the Ministry of Health for preventive services and treatment of displaced persons for the period from November 2018 to December 2018 stated that there is a clear weakness in the system due to the limited or lack of ambulances, lack of integration of the work between health centers and hospitals and the lack of trained personnel.⁸³

ISIS-born children cannot obtain aid when they are injured or when in emergency situations because of the detention system they are subjected to in the camps, which differs according to

⁸² Report of the representative of the Ministry of Health to implement the joint statement. Dr. Mohamed Jabr: The monthly report of the Ministry of Health about preventive services for displaced people in November and December 2018.

⁸³ Ibid.

the running authorities. In Lailan and Daqouq Camps, leaving camp by women and children associated with ISIS needs guarantor from inside the camp who guarantees their return if they want to leave for hospital to treat their children. It is difficult to secure such guarantor for women associated with ISIS and detainees inside the camps.

Access to hospital needs transportation fees that amount to 20000 Iraqi dinars in Kirkuk for example, and such amount is not available to family-heading women who are presumably affiliated with ISIS.

This health service has stigmatized ISIS-associated children and women, and identified them in other camps. Women in the Shahama Camp in Salahaddin are not permitted to leave the camp except with escort from the camp guards, and this leads to stigmatization the women and children when they are referred to health services and label them as ISIS-associated. Many mothers have refused their children's referral to receive the service for fear of the stigma. At least one case was observed in Al-Shahama Camp as there was a 4-month-old child suffering from severe malnutrition who was referred by one of the organizations to the nutrition ward in Al-Qadisiyah area outside camp. But, the mother refused to take her child to this ward to avoid stigmatization resulting from the presence of a policeman escorting her.

In general, the necessary interventions to save the injured and the surgical operations are weak, as there are no agencies that can deal with emergency cases in a systematic and scientific manner. Also, few organizations have adequate funding to cover the costs of treatment for those requiring surgeries. The providers rely on donations and fund raising from their relatives, acquaintances and philanthropists to fund surgeries needed by children in emergencies. For example, Habaa organization in the Hamam Al-Aleel refugee camp, a local organization, undertakes to perform surgeries for children, but it also relies on donations.

There is another problem facing ISIS-born children in terms of health service access. These children and their mothers are not allowed to enter Kurdistan Region to have an operation. Three children suffering from eye injuries and need operations that can only be provided in the hospitals of Kurdistan Region, have been returned because of their association with ISIS. Although the KRG's border authorities (checkpoints) do not usually check for children documents, but their mothers are prevented from passing the checkpoint if their relatives' or husbands' names appears in the security database.

Gaps and Challenges

- Lack of funds to obtain specialized medical service outside the camp.
- The guarantor condition for women and children to leave the camp to receive medical service.
- The stigma accompanying medical service.
- Prevention of children and their mothers from receiving treatment in hospitals of Kurdistan Region.

- Weak referral system.
- Lack of treatment for injuries inside the camps.
- Inadequate and efficient ambulances.
- Lack of funding for organizations providing health services and lack of resources to refer the emergency cases for treatment.
- Lack of specialized physicians inside the camps.
- Although there are special organizations for the care of the disabled within the camps, the service providers emphasize a clear lack in the rehabilitation services for children with disabilities and the equipment for early detection and diagnosis of disabilities.

1. Conclusions

There are still more than 440,000 families living in the displacement camps waiting for a government decision to allow them to return to their native areas. A large proportion of these families are accused of being affiliated to ISIS. The majority of women will not be able to return either because of the confiscation of the property they own, so they no more have any place to resort to, or because of the fear that their remaining children will be subject for revenge and retaliation, or because the detention authorities in the camps refuse to allow them to return.

The government considers the decision to expel women and children associated with ISIS, and prevent them from returning to their native areas a social rather than a governmental decision . In other words, it is the communities that refuse to co-exist with the families that have some assumed relationships with ISIS. The legal solutions and remedies for the problem of children born as a result of rape and ISIS-born children are scattered among several legal texts. Its necessary to collect these laws and draw up a new law that addresses the problem of registration of this category of people, while taking into consideration that the child should not be registered as of unknown father as a Muslim in case the mother is not Muslim.

Marriage contracts issued by ISIS may be considered as out-of-court marriage contracts, as is the case with the religious contracts, and then they can be ratified in the personal status courts, as with the procedure for the authorization of the out-of-court marriages. This procedure will facilitate the identification of the lineage of a big number of children born during the conflict and ensures their access to civil documents. However, the refusal of government agencies to recognize the documents issued by ISIS makes the matter more complicated.

Despite efforts exerted by NGOs to respond to the needs of children in conflict-affected areas, including camps, the principle of non-discrimination adopted by the organizations working in the areas where these groups exist has actually weakened the follow-up processes which may ensure that ISIS-born children shall receive necessary support and have access to services.

This category of people has some needs that require special interventions to respond to them. However, these interventions can lead to further stigmatization and exclusion. Particularly as there are ISIS victims who sometimes live in the same place where ISIS-born children are

living, and they suffer from a great lack of services. Limiting child interventions to ISIS-born children and depriving the children of parents who were killed by ISIS can raise tensions in the community. That is why it is very urgent to conduct an analysis of the various risks of unintentional adverse effects in planned interventions, in order to avoid damages resulting from interventions of the targeted group.

There is some sort of discrepancy in the level and quality of the services provided by the international organizations, and the services rendered by local organizations. Although the latter have experience and knowledge about the local context as well as enthusiasm, still they lack in the qualified and trained human resources to manage and direct the programs of child protection. Further, the weak funding and lack of ability to use international experts in this field may influence the type and quality of service. This matter requires focusing on building the capacities of workers in the local organizations and integrating them into a process of coordinated leadership for child protection efforts.