

# Civil documentation for Internally Displaced Persons (IDPs) in protracted displacement

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*Kerina Tull*

*University of Leeds Nuffield Centre for International Health and Development*

*5 July 2019*

## Question

- *How to encourage a government to simplify or provide temporary civil documentation to Internally Displaced Persons (IDPs) in protracted displacement?*

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## 1. Summary

Internal displacement is a global humanitarian, human rights, and security issue. As national governments bear the primary responsibility for internally displaced persons' (IDPs') protection and welfare, they need encouragement to simplify or provide temporary civil documentation for them – especially for people in protracted displacement. In a protracted crisis such as Iraq, direct assistance by government is not sufficient (IOM Iraq, 2019); it is vital that self-reliance among individuals and communities is also built up (St. Thomas King and Ardis, 2015; IRC, 2017; OCHA, 2018). This review gives examples of how the Iraqi government can simplify or provide temporary civil documentation to IDPs in protracted displacement. Conflict and violence are the main triggers of internal displacement; therefore, information is provided on such countries with protracted displacement. Practical solutions used effectively by them is also included.

If national governments are unable or unwilling to meet their responsibilities, the international community has a role to play in promoting and reinforcing efforts to ensure protection, assistance and solutions for IDPs (OCHA, 2018). Therefore, most of the literature available is focused towards the needs of the IDPs, as well as the assistance provided by these agencies, e.g. the United Nations (UN). Evidence is mainly for *both* refugees and IDPs – in some cases the terms are used inter-changeably.

In order to simplify the documentation process, advances in digital technology are resulting in new approaches, e.g. introduction of centrally-based identity systems by governments around the world (Oakeshott et al., 2018; Mills, 2019; UNHCR, 2019). As this review is focusing on Iraq, the government could also accept testimonies of mukhtars (local mayors), recommending citizens and affirming their place of residence, as "an acceptable official document" (al-Taie, 2017b) as a temporary solution to security clearance. This could prevent potential problems due to movement from place of origin (LandInfo, 2018). Multi-country evidence proves that updating policies with inclusivity is a necessary but complex and longer-term process (Saieh et al., 2019): disability and gender-based discrimination in existing Iraqi laws and practices regarding civil registration, as well as the provision of nationality legal documentation, need to be addressed. However, no evidence was found to see if this is currently the case. Likewise, data allowing use of expired documentation will also need further investigation.

## 2. IDP: Definitions used in literature and resulting issues

### Internally displaced persons (IDPs)

The UN adopted the 'Guiding Principles on Internal Displacement' in 2001; the African Union adopted a 'Convention for the Protection and Assistance of Internally Displaced Persons in Africa' in 2009 (now known as the Kampala Convention). Both documents give the same definition of internally displaced persons (IDPs): *"persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border."* Thus, if a person who otherwise fulfils the definition of refugee has not crossed an international border, he or she is an IDP. A person who has been forced to leave his or her home for other reasons, not falling within the definition of the 1951 Convention or the 1969 African Convention, is also an IDP. The same distinction is not made

based on the reason for moving as for those who are in another country than that of their usual residence.<sup>1</sup>

## Protracted displacement

The UN High Commissioner for Refugees (UNHCR) defines protracted displacement as displacement for five years or more. However, data shows that from 1974–2014, fewer than one refugee crisis in 40 was resolved within three years; in fact, more than 80% of all refugee crises lasted for 10 years or more (Crawford et al., 2015). There are far more IDPs than refugees in the world today, and the scale of the problem is challenging the capacity of humanitarian organisations and governments to respond to the needs of both IDPs and local populations. Conflict and violence are the main triggers of internal displacement; a significant proportion of IDPs are in the Middle East, especially in Iraq, Libya, Syria, Turkey, and Yemen.<sup>2</sup>

## Rights for IDPs vs refugees

Refugee status entitles individuals to certain rights and international protection, such as from the UN, as they had to cross an international border to find safety (Wilson, 2015). *However, being an IDP is not a legal status*; IDPs are still under the jurisdiction of their own government, and may not claim any rights additional to those shared by their compatriots.<sup>3</sup> However, help is available from humanitarian aid agencies.

## IDP issues related to lack of civil documentation

IDPs are unable to replace personal documentation that was left behind, lost, destroyed, or confiscated in the conflict or disaster situation, or during fleeing their home (Kälin and Entwisle Chapuisat, 2018). This can result in numerous issues, as such documents are often necessary to access basic services. The fact that IDPs may be unable to replace lost or destroyed personal documentation, even years after their initial displacement, impedes their ability to become self-sufficient (as such documents are essential to move freely, access social services, qualify for reconstruction or compensation funds, purchase or rent housing and land, enrol in school, and find employment in the formal labour market). Hence, the need for help from their government.

## 3. Solutions for encouraging the Iraqi government

Lessons from Syria show that solutions must start with *recognition* of the fundamental importance of the right to a legal identity, continue with an understanding as to *why* some IDPs have been unable to obtain such documentation, and conclude with *practical steps* and measures to assist persons obtain such vital documentation in full compliance with international law protections (Clutterbuck et al., 2018). It is vital that *self-reliance* among individuals and communities is also built up (St. Thomas King and Ardis, 2015).

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<sup>1</sup> <http://documents.worldbank.org/curated/en/375811469772770030/pdf/107276-WP-P156810-PUBLIC.pdf>

<sup>2</sup> Conference: “Responses to Displacement in the Middle East.” LSE, London UK, 30 November 2017: <https://www.lse.ac.uk/middle-east-centre/research/collaboration-programme/2016-17/secure/displacement-conference>

<sup>3</sup> [www.forcedmigration.org](http://www.forcedmigration.org)

## 1. Recognising the international law of human rights and improving transparency

The right to a legal identity is enshrined in international law. The ‘International Covenant on Civil and Political Rights’ notes the right of all persons to have recognition before the law (Clutterbuck et al., 2018). However, this does not necessarily apply to IDPs – and governments “are too often part of the problem.”<sup>4</sup>

In Iraq, lack of governmental transparency has made it difficult to assess the magnitude of many reported human rights problems. Iraq is party to several international human rights conventions, and many of them have not been yet ratified.<sup>5</sup> Now that the Iraq High Commission for Human Rights (IHCHR) is “independent,”<sup>6</sup> and empowered to co-ordinate with relevant agencies to develop joint strategies and mechanisms to implement its functions, this will be the right moment to recognise and act on the needs of IDPs.

### *Evidence*

Ukraine: After adoption of the law on ‘Provision of the Rights and Freedoms of Internally Displaced Persons,’ the government had to develop regulations within three months, and bring its regulations on IDPs in compliance with the law (Council of Europe, 2016: 10). However, by the end of the year no document was issued. After formation of the parliament coalition and appointment of a new Cabinet of Ministers, synergy in co-operation of central governmental bodies, including the Ministry of Social Policy and non-government organisations (NGOs) in the field of protection of rights of IDPs, is growing. Regular meetings of representatives of NGOs and central governmental bodies take place in the Ministry of Social Policy.

## 2. Vocalise government support for IDPs’ rights with partners

National governments bear the primary responsibility for IDP protection and welfare.<sup>7</sup> DFID is aware that it is “crucial” that governments, with international support, take action to provide safe and durable solutions for IDPs.<sup>8</sup> Recent research from the International Organization for Migration (IOM) shows that less than 15% of IDPs in a non-camp population had lost documents due to displacement. However, three years later (round 3 of data collection), among those who had lost documents, less than half had been able to replace them (IOM Iraq, 2019: 65).

All Iraqis have the right to access civil documentation, which should be regardless of affiliations of their relatives (e.g. to Daesh). To do this (Council of Europe, 2016):

- The Prime Minister’s Office must declare the need for legal documentation for displaced populations;
- This must be progressively integrated into the social and economic life of the community (via policies), and

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<sup>4</sup> <https://www.politicshome.com/news/uk/foreign-affairs/house/house-magazine/104503/lord-mcconnell-internally-displaced-persons-idp>

<sup>5</sup> [https://eeas.europa.eu/delegations/iraq\\_en/47660/Human%20rights%20and%20democracy%20in%20Iraq](https://eeas.europa.eu/delegations/iraq_en/47660/Human%20rights%20and%20democracy%20in%20Iraq)

<sup>6</sup> Iraq Corruption Report (2018). <https://www.ganintegrity.com/portal/country-profiles/iraq/>

<sup>7</sup> <https://www.ohchr.org/EN/Issues/IDPersons/Pages/Issues.aspx>

<sup>8</sup> <https://www.gov.uk/government/news/human-rights-council-38-internally-displaced-persons-idps>

- Engagement with local authorities boosted, as having an identity document facilitates social participation for many IDPs and other risks of marginalisation (Oakeshott et al., 2018).

#### *Evidence*

Kenya: Kenya developed their “National Policy on the Prevention of Internal Displacement, Protection and Assistance to IDPs” (Republic of Kenya, 2011). This policy is applied to all IDPs without discrimination of any kind (such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or any other similar criteria). *However, latest figures show that the progress of over 700 IDPs towards durable solutions cannot be verified.*<sup>9</sup>

### **3. Protect vulnerable groups and recognise their rights for legal documentation by using inclusivity in policy development**

#### **Women**

Lack of documentation places restrictions on women’s movements and on their ability to obtain title to land. The non-recognition of customary forms of property and land tenure, and domestic laws prohibiting widows from inheriting land title from husbands killed in conflict or disasters, may limit possibilities for finding durable solutions (Kälin and Entwisle Chapuisat, 2018; Oakeshott et al., 2018).

*Evidence – unavailable: There is no evidence available to show that there is a priority to change this law in patriarchal countries any time soon.*

#### **Disabled**

In Iraq, disabled women and girls are not entitled to social security payments if they are married or if their father is alive (Ceasefire Centre for Civilian Rights and Minority Rights Group International, 2016: 25).

*Evidence – Kenya: The government accepts that IDPs, including women and children, the elderly or persons with disabilities, have the right to liberty and security, as well as freedom of movement. All IDPs are also provided with free legal aid in accordance with national law (Republic of Kenya, 2011).*

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<sup>9</sup> <http://www.internal-displacement.org/countries/kenya>

## Children

Regional civil registration and vital statistic (CRVS) initiatives in Africa<sup>10</sup> and in Asia and the Pacific<sup>11</sup> have shone a light on the importance of host states registering the births of refugees, IDPs, and stateless persons, to protect child rights (Oakeshott et al., 2018).

The Committee for Human Rights states that Iraq is in process of legally recognising children born under Daesh rule.<sup>12</sup> For months in 2019, there have been ongoing discussions between the commission, parliament, as well as human and civil rights groups, about issuing formal documentation to the children. If passed, this legislation will allow children with missing documentation to attend schools and graduate. They will be able to receive healthcare like any other Iraqi, as well as benefit from social welfare. Children with no civil documentation may also be at a higher risk of recruitment by armed groups; this is because their options to find economic support are limited, and because they have fewer legal protections. Children who don't have birth certificates are also more exposed to diseases, as they are not able to use health services e.g. for vaccinations (Baker, 2019) – which could cause a national emergency if left unchecked. As the Iraqi government (with the international community) continues to invest in the restoration of public services and institutions, it must ensure that the people most severely affected by the conflict with Daesh have the documentation required to access services. This will be critical to guarantee that Iraq's road to recovery is inclusive. Failure to include children in this risks undermining prospects for social cohesion, and exacerbating existing ethno-religious tensions that were dramatically worsened by the conflict with Daesh (Saieh et al., 2019).

### *Evidence*

Cameroon: The status and treatment of refugees in Cameroon is governed by Law No. 2005/006 of July 2005 and implementing Decree No. 2011/389 of November 2011. Under these statutes, registered refugees and IDPs can access health and education services without paying significant fees. *Documentation, however, remains a critical issue* (The World Bank, 2018: 14).

Côte d'Ivoire: The government acceded to 'International Conventions on Statelessness,' and in August 2013 reformed its nationality law, key steps to clarify the nationality of thousands of residents. Since the adoption of the Abidjan Declaration to eradicate statelessness in West Africa in February 2015, 6,400 people have received nationality papers.<sup>13</sup> *However, some observers believe that the government's mass naturalisations (citizenship) is solely intended to boost its electoral support base.*

Georgia: Conflicts with neighbouring Russia have led to around 300,000 people displaced within Georgia. Recognising their health needs, the government established health insurance schemes targeted at IDP populations. *The situation is complex, however.* There is shared responsibility for delivery of health services across national and regional governments, whilst various IDP groups have been offered different entitlements. Health Research Union (HRU)'s findings show that

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<sup>10</sup> Fourth Conference of African Ministers Responsible for Civil Registration. Nouakchott Declaration (2017). <http://apai-crvs.org/sites/default/files/public/Nouakchott%20Declaration%20-%20Dec2017-English.pdf>

<sup>10</sup> Ministerial Declaration to "Get every-one in the picture" in Asia and the Pacific (2014).

[http://getinthepicture.org/sites/default/files/resources/Ministerial.Declaration.English.final\\_.pdf](http://getinthepicture.org/sites/default/files/resources/Ministerial.Declaration.English.final_.pdf)

<sup>12</sup> <https://www.thenational.ae/world/mena/iraq-in-process-of-formally-recognising-isis-children-committee-for-human-rights-says-1.869726>

<sup>13</sup> [https://www.cia.gov/library/publications/the-world-factbook/fields/print\\_2194.html](https://www.cia.gov/library/publications/the-world-factbook/fields/print_2194.html)

despite government attempts to target health insurance schemes to IDPs, the complexity has left IDPs substantially in the dark about their entitlements; even the doctors themselves do not know what their IDP patients are entitled to (ELRHA, 2017).

Azerbaijan: IDPs benefit from free or low-cost education, health care and energy and have some special employment opportunities.<sup>14</sup> *Though their ability to express their interests is limited by inability to elect municipal representatives.*

### **Involve IDPs in developing frameworks to complement other collaborations**

Involving IDPs would help move the search for solutions in the right direction (Walicki, 2009: 26). Listening to IDP voices is crucial to ensuring that their identity document needs are met, and their protection enhanced. This will complement other collaboration, such as joint work in countries where governments are seeking to include refugees and IDPs in identity document systems (Oakeshott et al., 2018).

#### *Evidence*

Kenya: Proven profiling and registration tools are used in such identification processes. In particular, it is ensured by law that IDPs are involved in such identification processes (Republic of Kenya, 2011).

## **4. Use local people's testimonies as official documentation**

Practical steps towards full realisation of the right to an identity can include collaborating with trusted individuals. Proof of legal stay in the host country is often necessary before birth and other documents can be issued. In Iraq, mukhtars (local mayors) know the residents of their village or neighbourhood, and all the residents know him (al-Taie, 2017a). These local dignitaries have been providing security forces with a trove of information, including displaced Iraqis who have moved into their communities from other areas.<sup>15</sup> Their presence supports improved security and administrative services and facilitates two-way communication between the government and residents (al-Taie, 2017a; Ahmed, 2018).

Anbar is reinstating the mukhtar system in all districts of the province (Ahmed, 2018). They will be authorised to process civil transactions and stamp forms needed by residents. Baghdad's government has commissioned 400 dignitaries in residential areas to serve as mukhtars, selecting them on their competence, integrity, and good reputation (al-Taie, 2017a).<sup>16</sup> In Mosul, local council decided to dismiss mukhtars who continued working in the city while Daesh was in control. The city administration has started selecting a new group of mukhtars to be in charge of monitoring newcomers or suspicious persons, and reporting them to the security services, and also will be responsible for vouching for the good character of other local residents (al-Taie, 2017b). The testimonies of mukhtars, recommending citizens and affirming their place of residence, constitute "an acceptable official document" (al-Taie, 2017b). These testimonies can

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<sup>14</sup> <https://www.crisisgroup.org/europe-central-asia/caucasus/azerbaijan/tackling-azerbaijan-s-idp-burden>

<sup>15</sup> [https://diyaruna.com/en\\_GB/articles/cnmi\\_di/features/2018/12/12/feature-05](https://diyaruna.com/en_GB/articles/cnmi_di/features/2018/12/12/feature-05)

<sup>16</sup> This is currently a pilot phase; more mukhtars will be needed as Baghdad comprises of 37 administrative units divided into small towns or neighbourhoods that house about eight million people.

be of essential importance "when issuing official documents related to births, deaths, marriage agreements, divorce, application to universities, and for official jobs."

### *Evidence*

Sri Lanka: The government has adopted guidelines to promote measures by which the Ministry of Disaster Management and Human Rights (MDMHR) and UNHCR by using community members as trusted intermediaries.<sup>17</sup>

Côte d'Ivoire: The government undertook a civil registration exercise during the period 2007-2008 aimed at providing everyone with a birth certificate and identity card to be registered by the local magistrate acting in the presence of traditional authorities. It was sufficient to provide oral statements of two witnesses to provide the necessary information needed (IASC, 2010: 39).

Syria: The conflict in Syria has resulted in the closure and destruction of many civil registry offices. In non-government controlled areas it is almost impossible to obtain official Syrian civil documentation (Clutterbuck et al., 2018). Instead, IDPs said they obtain civil documents from the local sharia court, local councils, NGO/de facto authorities, and armed actors. These documents may be all that are available to IDPs, yet questions as to their legal validity and recognition remain.

Tanzania: Neighbours and community members can play a crucial role in facilitating access to government services, the banking system, or employment opportunities. This social capital is critical to the lives of the urban displaced, particularly those who lack authorisation to live in Dar es Salaam (IRC, 2017: 15). *However, this may be applicable more for refugees than IDPs.*

## **5. Use available frameworks for action in adapting policies for accountability**

The current 'Global Compact on Refugees' discussions provide only limited considerations with respect to IDPs. This is a critical omission given the likelihood that returning refugees, in particular, may become IDPs. While approximately forty States have introduced laws and policies, only one third have been fully implemented. Critical to this process is strong state capacity, but also domestic and international accountability mechanisms (Orchard, 2018: 1).

Frameworks like the 'Sustainable Development Goals (SDGs)' have achieved broad international buy-in for certain goals.<sup>18</sup> However, refugees and IDPs have not been elevated sufficiently as key populations within these goals.<sup>19</sup> Though not legally-binding, the 'Guiding Principles' have attained significant authority since their inception. In September 2005, Heads of State and governments assembled at the World Summit in New York and recognised the Guiding Principles as "an important international framework for the protection of internally displaced persons."<sup>20</sup> The 'Guiding Principles' provide a comprehensive set of durable solutions for IDPs

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<sup>17</sup> <https://www.refworld.org/pdfid/5b449f104.pdf>

<sup>18</sup> i.e. to "provide legal identity for all, including birth registration" by 2030 (target 16.9). New York Declaration for Refugees and Migrants (2016). <https://www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html>

<sup>19</sup> Samman E, Lucci P, Hagen-Zanker J, Bhatkal T, Telias Simunovic A, Nicolai S, Stuart E, and Caron C (2018). SDG Progress: Fragility, crisis and leaving no one behind. September 2018. ODI and IRC. <https://www.rescue.org/sites/default/files/document/3260/odireport.pdf>

<sup>20</sup> G.A. Res. 60/L.1, 132, U.N. Doc. A/60/L.1.

and are therefore a useful framework in such circumstances. However, introduction of domestic legislation and policies is only the first step.

The 2010 'IASC Framework on Durable Solutions for Internally Displaced Persons' is widely recognised as the internationally agreed benchmark to work towards solutions for IDPs (IASC, 2010: 39):

- The competent national or local authorities need to facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain documents.
- Women and men have equal rights to obtain documents and women have the right to have documents issued in their own names.
- Separated and unaccompanied children also need to be provided with their own documents.

*Evidence – uncertain:*

While a number of States have successfully implemented their own IDP legislation and policies, the overall implementation picture is mixed.<sup>21</sup> Experience from Angola and Colombia shows that incorporating the 'Guiding Principles' into domestic law does not necessarily lead to better government policies or to automatic improvements in the rights of IDPs, but at least there is legislation in place against which governments can be held to account.<sup>22</sup>

## **6. Clarify use of expired documentation in law to ease replacement**

In Iraq, expired identity documents could be used due to lack of means to update them. However, a number of people who have successfully obtained civil IDs for their families reported being asked to pay bribes ranging from 100,000 to a million Iraqi Dinars (84 to 840 USD) to civil directorate officials if they wanted to avoid delays in their cases (Saieh et al., 2019: 21). Not everybody can afford this.

*Evidence – uncertain:*

In Ukraine, amendments to the IDP law neither clarified whether previously issued IDP certificates will remain valid after their expiration date, nor stipulated a procedure for exchanging previously issued certificates for ones with no expiration date. This has caused a situation where thousands of IDPs with expired IDP certificates cannot renew them. This situation must be resolved urgently. Doing so would simply require clarifying the respective procedures in the final provisions of the IDP Law and aligning the by-law with these (Council of Europe, 2016).

## **Allow freedom of movement to update/replace documentation**

IDPs are scattered across different governorates with varying degrees of security and access constraints (St. Thomas King and Ardis, 2015). The long-term risk is that missing, expired or incomplete documentation could become a significant obstacle to return and other durable

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<sup>21</sup> <https://www.unhcr.org/5a86d0497.pdf>

<sup>22</sup> <https://www.oecd.org/countries/eritrea/35093445.pdf> Refer to Section 6.2

solutions. Lack of civil documentation continues to impede IDPs' freedom of movement (UNHCR, 2019). In Jeddah Camps in Ninewa Governorate, IDPs reported that their freedom to go outside of the camps was limited even for medical purposes as they lacked civil documentation and they feared being harassed at checkpoints.

Identity document cards can only be issued in the district where someone is registered (LandInfo, 2016: 18). That means that IDPs often need help obtaining new documents if they live in another governorate than where they are registered. There is, however, a plan to open an office for such documentation in Erbil, but it might take more than one year to establish. Once this office is established, and, for instance, an IDP from Mosul obtains an identity document card from this office, it would appear on the identity document card that the card was issued in Mosul. This could potentially cause a problem for IDPs living and getting married in KRI (LandInfo, 2018: 11).

### *Evidence*

Columbia: in conjunction with the National Civil Registry Office UNHRC focuses on IDPs and persons at risk of displacement. The project facilitates access to State services, improves security, updates civil registries, and provides identity cards for children and adults. UNHCR has put mobile teams with the necessary equipment (computers, fingerprint materials, cameras and a satellite antenna to connect the unit with the national database) at the disposal of the National Civil Registry. Although campaigns have traditionally focused on rural or hard-to-reach areas, urban campaigns have also been carried out. Altogether, from 2000 to 2009, birth registration and identity cards were issued for hundreds of thousands of children between ages 7 and 18 years (UNHCR, 2013: 4).

## **7. Centralise registration procedures to aid in issuing cost-effective residency documentation**

99% of IDPs are in low- and middle-income countries (LMICs), therefore they face severe economic challenges as a result of displacement (Huang and Graham, 2018). In Iraq, the government has already lowered policy barriers for IDPs, such as requiring legal permission to reside and work- *but only in certain areas* (Home Office, 2017; Huang and Graham, 2018).

In Iraq, civil status documentation is generally issued and renewed at the local civil status office in a person's place of origin where the original records are maintained. However, this prospect is not feasible for those originating from areas under Daesh control or conflict areas. In response to the large-scale displacement since 2014, alternative civil status offices have been opened in various parts of the country to issue/renew different types of civil status documentation. However, restoring national civil registration systems to facilitate issuance of IDs will take into account the reasons for which IDPs may have been unable to obtain such documents.

### *Evidence*

There are many options now for CRVS software products that countries could use, with varying capabilities, product features, and prices (Mills, 2019).

## Provide appropriate government staff contacts to aid returnees

All IDPs should be given points of contact in the local government administration in case they face barriers to their full return to their lands (Wassel, 2009: 8). According to the Forced Migration Review (Wassel, 2009: 8), IDPs should not be taken off the IDP registration list until it is confirmed they have returned to their original place of residence, not just returned to their home village.

Nevertheless, administrative procedures involved to recover lost identification documents is reportedly filled with obstacles.<sup>23</sup> For example, persons displaced from Salah Al-Din and Al-Anbar governorates cannot issue/renew their civil identity document card in Baghdad. Rather, the civil identity document card has to be issued/renewed in Samarra/Salah Al-Din (for IDPs from Salah Al-Din), and Ameriyat Al-Fallujah/Al-Anbar (IDPs from Fallujah). For IDPs from Ninewa, several alternative directorates have been established in January 2015 to deal with IDPs from specific areas (none of which is in Baghdad). Repeated changes to applicable instructions and the specified locations have reportedly caused confusion among IDPs and lawyers as to which office to approach.

There are reportedly insufficient staff working in these offices, resulting in delays in administration (UNHCR, 2016: 27-28). The rule is that two members of staff must be present when new identity document cards are issued; according to the Director-General of GDN (); control of disloyal employees had become much more stringent (LandInfo, 2016: 22). Employees of the branches in the cities as well as in the rural areas have a lot of experience and have received special training to check for falsifications. However, apparently bureaucracy has more than doubled in size of staff since the US-led invasion, leading to much longer waiting times for documentation replacements.<sup>24</sup>

### *Evidence*

Kenya: Free or subsidised transportation for IDPs to facilitate their access to economic activities away from their present location are provided (Republic of Kenya, 2011). Administrative requirements, such as documentation for registering, are also waived in order for services to be accessed. Officials directly involved in the assistance for or protection of IDPs are to be trained and advised on how to carry out their duties in line with policy (Republic of Kenya, 2011).

Ukraine: The government allocated adequate resources from the State Budget, including to the newly-designated Ministry mandated with lead responsibility on IDP issues as well as to regional and local authorities, to address internal displacement in all phases, including supporting safe, voluntary, and durable solutions to displacement (Council of Europe, 2016: 10). According to the Decree No. 505, the government allocated Ukrainian Hryvnia (UAH) 510 million (USD 20 million) to the Ministry of Social Policy to provide monthly targeted assistance to IDPs.<sup>25</sup>

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<sup>23</sup> Since Daesh took control of large parts of Ninewa and Anbar in 2014, interim offices have been established in Dohuk, Bagdad and Kerbala, where people from areas controlled by Daesh can be issued identity document (ID) cards (Iraqi embassy in Amman, meeting, 2014). Daesh issued separate ID cards in the area they currently control, but these ID cards are not recognised by the Iraqi authorities (LandInfo, 2016: 18).

<sup>24</sup> <https://www.ft.com/content/8ea461b2-77e7-11e9-be7d-6d846537acab>

<sup>25</sup> On 1 October 2014, two CMU decrees for IDPs had been adopted: the Decree of CMU No. 505 'On Monthly Targeted Assistance to Persons who Move from Temporarily Occupied Territory of Ukraine and Districts of the

## **Allow use of innovation to register births and deaths and issue certificates**

Retrieving birth registration records, issuing a duplicate copy of a birth certificate, or sharing civil registration data with other relevant agencies can be ineffective and time consuming with paper-based systems.

According to a Western embassy in Amman, fake birth certificates were the personal documents most frequently uncovered by this embassy (LandInfo, 2016: 29). One possible reason for this may be that many people do not have a birth certificate, but need to obtain one to be issued an identity document card and nationality certificate. The information in a fake birth certificate is not necessarily false.

Death certificates are issued by hospitals, although the Ministry of Health (MoH) is responsible for registering deaths and certifying death certificates with a stamp. A standard form exists, and the certificate is issued in four copies, of which the deceased's parents or other close relatives are given one, while the three others are filed in the same way as birth certificates. Iraq does not have a central register of deaths (Karagiozakis, 2009). According to diplomatic sources in Amman, a large percentage of fake death certificates have been detected (LandInfo, 2016: 29).

A paper published in the *Canadian Studies in Population* journal, based on a UNFPA (United Nations Population Fund) funded field visit to Iraq, explained that all births, deaths, marriages and divorces are updated on the family registry (Bah, 2014). Family records are held locally at the *daa'ira* (local civil registration office), where a new event, for example a birth, marriage or divorce, would be manually input onto the family register. *However, as the process is manual, not electronic, there will be some time lag in records being updated* (Home Office, 2017: 19).

### *Evidence*

Côte d'Ivoire: UNHCR legal aid programmes assisted thousands of people with information and late birth registration in the context of the large-scale *audiences foraines* (mobile court hearings) carried out in the country in 2008 and 2009. These itinerant judicial hearings for granting of birth certificates targeted persons age 13 and above who were born in Côte d'Ivoire, regardless of their nationality. They benefitted a total of approximately 900,000 people in Côte d'Ivoire and have helped to prevent statelessness (UNHCR, 2013: 4).

Sri Lanka: The Government's *Department of Registrations of Persons* has already taken steps to issue birth, death and marriage certificates to the IDPs currently housed in welfare centres in Vavuniya, Mannar and Jaffna.<sup>26</sup>

## **Promote Biometric National Card to ease monitoring**

The Iraqi National Card is an electronic biometric card issued by the Ministry of Interior (MoI) from 1 January 2016. It replaces the Nationality Certificate and Civil Identification Document previously issued. In 2018 it also replaced the Residency Card. It will also replace the Ration

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*Antiterrorist Operation to Cover Living Expenses, including Housing and Facilities*, and the Decree of CMU No. 509 'On Account of Persons who Move from Temporarily Occupied Territories of Ukraine and Districts of the Antiterrorist Operation.' However, According to the Decree No. 509, the registration procedure is not clearly determined. <http://khpg.org/en/index.php?id=1433405434>

<sup>26</sup> <https://reliefweb.int/report/sri-lanka/sri-lanka-birth-marriage-and-death-certificates-idps>

card (PDS-card). This card has a high security platform and is connected directly to the Iraqi Civil System.<sup>27</sup> The biometric chip contains fingerprints of all ten fingers of the applicant, as well as a scan of their iris, and a colour photo.

### *Evidence*

South Sudan: IOM began Biometric Registration of IDPs in June 2014. The process includes fingerprinting of all household members and photographing young children and babies whose fingerprints are not recordable.<sup>28</sup> Registration is complemented through regular authentication. To date (April 2019 figures), 700,000 beneficiaries of social support (including IDPs) are active in its programmes.<sup>29</sup> They can also be observed on an ongoing basis.

## **4. Advice for further action**

### **Collaborate with international agencies to ensure IDP self-reliance**

If national governments are unable or unwilling to meet their responsibilities, the international community has a role to play in promoting and reinforcing efforts to ensure protection, assistance and solutions for IDPs (OCHA, 2018). As such, a fundamental shift in focus is under way, to move away from solely humanitarian aid-centric approaches, which often foster dependence, to governments working towards providing co-ordinated efforts to support IDPs themselves in finding long-term solutions for their displacement. This strategy aims to promote the preservation of dignity, encourage self-reliance, support livelihoods, and improve opportunities for those displaced (OCHA, 2018). Humanitarians should only act as a watchdog to ensure that displaced persons don't fall into the cracks of various levels of government service provision (IRC, 2017: 5).

National and international NGOs can also play a constructive role in advising IDPs as to the formal registration procedures, assisting them to obtain documents and advising stakeholders of key obstacles, with policy recommendations for remedying gaps (Oakeshott et al., 2018). The UNHCR is working with the government of Iraq and KRG authorities to harmonise registration procedures, including the wide scale use of biometrics, but a common format and practice is unlikely in the short term. In the Kurdistan Region, registration questionnaires and software have been deployed to enhance needs profiling. Across central and southern Iraq, the UNHCR is also funding close to 300 staff positions in the Ministry of Displacement and Migration in Iraq (MoMD) regional offices. *However, serious capacity issues remain, and practical assistance through these offices is largely limited to cash "donations"* (Home Office, 2017: 24).

### **Keep stakeholders involved in IDP feedback**

It is critical to keep local stakeholders engaged throughout the process, and to create channels for people to actively provide feedback on their experiences getting and using identity documents, including through grievance redress mechanisms (Oakeshott et al., 2018).

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<sup>27</sup> <http://www.nid-moi.gov.iq/>

<sup>28</sup> <https://southsudan.iom.int/>

<sup>29</sup> <https://displacement.iom.int/reports/south-sudan-%E2%80%94-biometric-registration-update-april-2019>

## Standardise timings for countrywide residence permits

According to IOM, sometimes, the temporary residence permit in Iraq is extended for any time between one week and three months during the approval process for a permanent residence. The decision may depend on the applicant's background and place of origin. According to PAO/KHRW,<sup>30</sup> there is no fixed practice ensuring that an IDP can have a permanent residence permit after five years; it varies from place to place. Data shows that long-term residents, including IDPs who have lived in KRI for many years, are treated more favourably than new IDPs. However, PAO/KHRW state that IDPs still need to renew their residence permit every three or six months or once a year, depending on the governorate they live in, and Kurdish IDPs do not have to renew their residence permits; only Arab IDPs do (Home Office, 2018: 46).

## Change views on lineage and documentation issued during the Daesh regime

In Iraq, children only get person identity without guardianship at age 18 years. If a disaster strikes and children are separated from their families, a reunion could be next to impossible without proper identification. With birth registration, government officials are more able to safely unite families and account for every child (Baker, 2019). However, proof of paternal lineage is needed in order for a state-issued birth certificate; if this proof is missing, then that child may be linked to political affiliation (e.g. Daesh), and their family punished; they also will not be able to obtain a civil identity card, nationality certificate, or the new 'unified identity' for children born in the last five years (Saieh et al., 2019: 27).

## Capitalise on IDPs trust of government to update policies

In Iraq, recent research interviewing IDPs shows that the central government, aid organisations, and the local government were the top three sources of assistance for the displaced (IOM Iraq, 2019: 32). By the next round of interviews the following year (round 2 of data collection), the central government assumed the majority share of aid provision (58%), with local government only contributing 8%. The same report reveals that IDPs have high levels of trust in governmental legal institutions. IOM Iraq recommends that the government capitalises on this information by making sure it works fairly and justly for all Iraqis – including IDPs (IOM Iraq, 2019: 67).<sup>31</sup>

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<sup>30</sup> 'PAO [Public Aid Organisation]/KHRW [Kurdish Human Rights Watch].

<sup>31</sup> Round 4 interviews from August – November 2018 will assess the impact of different levels of assistance on the lives, survival strategies, and standards of living of IDPs, movers, and returnees. Round 4 results will reveal whether compensation is paid to more IDPs, and if so how this affects changes returnees' and IDPs' abilities to rebuild their lives. *However, it is not known when this data will become available.*

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## Suggested citation

Tull, K. (2019). *Civil Documentation for Internally Displaced Persons (IDPs) in Protracted Displacement*. K4D Helpdesk Report 636. Brighton, UK: Institute of Development Studies.

## About this report

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*K4D services are provided by a consortium of leading organisations working in international development, led by the Institute of Development Studies (IDS), with Education Development Trust, Itad, University of Leeds Nuffield Centre for International Health and Development, Liverpool School of Tropical Medicine (LSTM), University of Birmingham International Development Department (IDD) and the University of Manchester Humanitarian and Conflict Response Institute (HCRI).*

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