

# HOUSING, LAND AND PROPERTY RIGHTS IN IRAQ

AN ASSESSMENT OF PROGRESS TOWARDS  
DURABLE SOLUTIONS IN LINE WITH THE  
PINHEIRO PRINCIPLES



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## INTRODUCTION

Since the 1960s, housing, land and property (HLP) challenges faced by the people of Iraq have varied throughout the different waves of conflict and associated displacements across the country. The country's ongoing HLP problems date back to the significant increases in housing shortages that took place in the two decades of conflict with Iran (1980-1988) as well as the Gulf War with Kuwait (1990-2003).<sup>1</sup> These problems worsened during the period of Islamic State of Iraq and the Levant (ISIL) conflict between January 2014 and December 2017, when the widespread destruction, looting, illegal seizure and confiscation of housing, private property and land was a key strategy of ISIL in occupying the north and central regions of the country. These HLP issues have weighed heavily on the 6 million people – 16 per cent of the country's population – who became displaced during the period of ISIL conflict between 2014 and 2017.<sup>2</sup>

In 2021, during the fourth year since the Iraqi government's declaration of the defeat of ISIL,<sup>3</sup> communities affected by displacement continue to face significant challenges related to the widespread destruction of pre-displacement housing and challenges accessing compensation to rebuild, as well as the widespread misplacement, loss and destruction of documentation proving ownership of these assets. The ongoing effects of these HLP issues represent major

obstacles to achieving long-term durable solutions among displacement-affected communities across the country, including the 1.2 million remaining IDPs, the 4.8 million returnees, and the communities where these groups reside (as of July 2021).<sup>4,5</sup>

### HLP MONITORING FOR DURABLE SOLUTIONS: THE IASC FRAMEWORK AND THE PINHEIRO PRINCIPLES

The key resource guiding strategy development and monitoring in settings of displacement is the Inter-Agency Standing Committee (IASC) Framework for Internally Displaced Persons (the Framework).<sup>6</sup> The Framework is centered on eight criteria to determine the extent that a durable solution has been achieved, one of which relates to the restoration of housing, land and property.<sup>7</sup>

In the IASC Framework, the United Nations' Pinheiro Principles on Housing and Property Restitutions for Refugees and Displaced Persons (the Pinheiro Principles) are identified as key tools to assist in the monitoring of housing as a pillar of durable solutions.<sup>8,9</sup> This Framework asserts specific rights of displacement-affected communities related to housing and property across eight measurable principles. The Pinheiro

1 IOM Iraq and Hijra Amina (2015). A Preliminary Assessment of Housing, Land and Property Rights Issues Caused by the Current Displacement Crisis in Iraq. See: [https://www.iom.int/sites/default/files/our\\_work/DOE/LPR/A-Preliminary-Assessment-of-Housing-Land-and-Property-Rights-Issues-Caused-by-the-Current-Displacement-Crisis-in-Iraq.pdf](https://www.iom.int/sites/default/files/our_work/DOE/LPR/A-Preliminary-Assessment-of-Housing-Land-and-Property-Rights-Issues-Caused-by-the-Current-Displacement-Crisis-in-Iraq.pdf)

2 IOM Iraq (2021). Protracted Displacement in Iraq; Revisiting Categories of Return Barriers. See: <https://iraq.iom.int/publications/protracted-displacement-iraq-revisiting-categories-return-barriers>

3 The government declared the defeat of ISIL in December 2017.

4 A durable solution is achieved when IDPs no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement. The forms a durable solution may take include: sustainable reintegration at the place of origin; sustainable local integration in areas where IDPs take refuge in settings of local integration; and sustainable integration in another part of the country. Refer to: IASC & Brookings Institute (2010). IASC Framework on Durable Solutions for Internally Displaced Communities. See: <https://www.brookings.edu/research/iasc-framework-on-durable-solutions-for-internally-displaced-persons/>

5 A total of 6,065,990 IDP individuals became displaced during the period of ISIL conflict between 2014 and 2017. Amongst this group, 4,867,050 individuals have returned and 1,198,940 individuals remain in displacement. Refer to: IOM Iraq (2021). Master List Datasets (1-121). See: <http://iraqdtm.iom.int/MasterList#Datasets>

6 IASC & Brookings Institute (2010). IASC Framework on Durable Solutions for Internally Displaced Communities. See: <https://www.brookings.edu/research/iasc-framework-on-durable-solutions-for-internally-displaced-persons/>

7 The other seven criteria are as follows: safety and security; adequate standard of living; access to livelihoods; access to documentation; family reunification; participation in public affairs; access to effective remedies and justice.

8 In line with twenty-first century international law and practice, specialists in the fields of HLP and durable solutions devised the principles as a policy instrument to inform monitoring and interventions.

9 The Pinheiro Principles are expanded upon, and quantitative HLP monitoring indicators are recommended, in a handbook devised by UN agencies and the Internal Displacement Monitoring Centre (IDMC). Refer to: FAO, IDMC, OCHA, UNHCR, OHCHR (2007). Handbook - Housing and Property Restitution for Refugees and Displaced Persons: Implementing the Pinheiro Principles. See: [https://www.ohchr.org/Documents/Publications/pinheiro\\_principles.pdf](https://www.ohchr.org/Documents/Publications/pinheiro_principles.pdf)

Principles are as follows:<sup>10</sup>

- Principle 1: The right to non-discrimination
- Principle 2: The right to equality between men and women
- Principle 3: The right to be protected from displacement
- Principle 4: The right to privacy and respect for the home
- Principle 5: The right to peaceful enjoyment of possessions
- Principle 6: The right to adequate housing
- Principle 7: The right to freedom of movement
- Principle 8: The right to voluntary return in safety and dignity

In addition to these eight Pinheiro Principles, two additional principles have been included in this report, based on their relevance to the Iraqi context and the availability of data that can be aggregated to understand the extent to which these rights are being met. These two additional principles are as follows:

- Additional Principle 1: The right to property records and documentation
- Additional Principle 2: The right to compensation/restitution for damaged or destroyed property

The 10 principles provide a conceptual framework to monitor progress, gaps and areas for improvement in the realization of HLP rights amongst IDPs and returnees, and represent a key component of achieving durable solutions for all affected by displacement. While these principles are intended to set a range of HLP standards in line with international human rights law, they are to be interpreted based on the circumstances and wider conflict dynamic at country level.<sup>11</sup> This report aims to interpret the eight Pinheiro Principles and the two additional principles based on the context of Iraq, as informed by the inputs of HLP and durable solutions experts working in the country's displacement crisis response.

## RESEARCH OUTPUTS AND OBJECTIVES

Since the displacement crisis began at the beginning of the ISIL conflict in 2014, a significant amount of data related to HLP has been collected in areas where IDPs and returnees reside. This report brings together and aggregates this data across a range of quantitative indicators under each of the 10 measurable principles for asserting the HLP rights of IDPs and returnees. There are two outputs summarising the findings of this research project, as follows:

**1. Output 1 (this document): Comprehensive HLP overview and analysis report.** This output aims to provide a consolidated evidence-base relating to the current situation of HLP for the remaining IDP caseload as well as returnees in line with the Pinheiro Principles, as well as two additional principles. In doing so, its objective is to lay the basis for HLP and durable solutions strategy development and monitoring.

**2. Part 2: Compendium of 18 district-level factsheets.** This output - which will be published in early October 2021 - aims to provide a snapshot of progress towards meeting the 10 HLP principles in the top 15 districts of return, as well as three additional districts of return, which are the focus of area-based programming that is coordinated by the Iraq Durable Solutions Technical Working Group (DSTWG).

### Structure – Output 1: Comprehensive HLP overview and analysis

Part one is structured as follows:

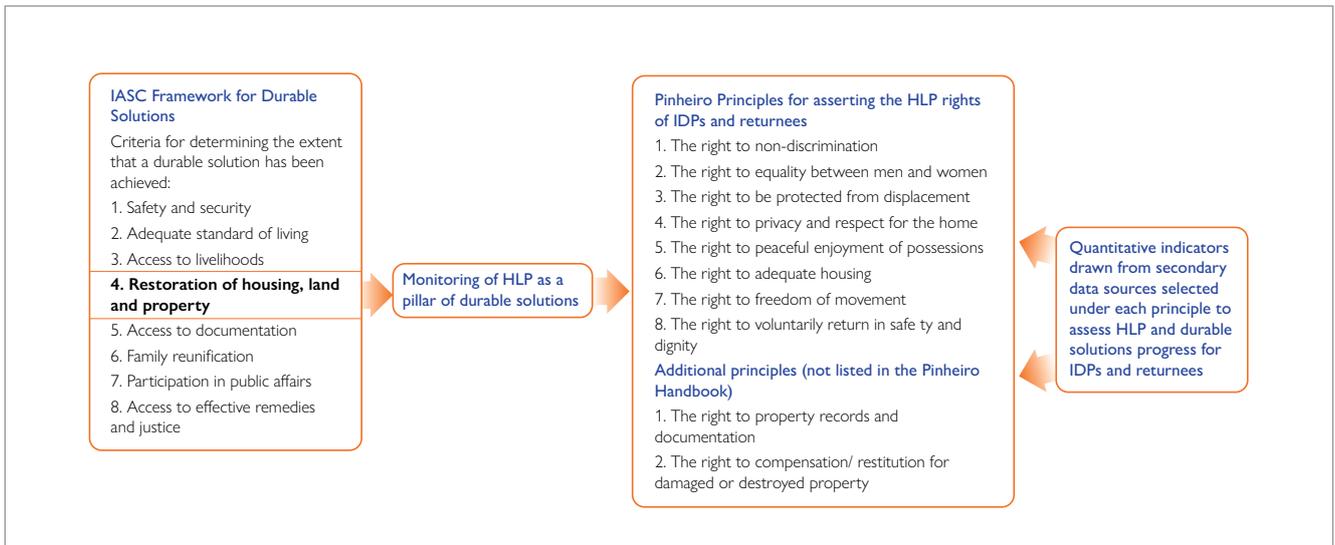
- **First**, a summary of the methodology is included, outlining key secondary data sources as well as the rationale for indicator selection under each of the Pinheiro Principles and the two additional principles. This section also includes an overview of the limitations of this report.
- **Second**, a brief overview of the history of HLP throughout different periods of conflict and displacement is detailed. This section draws on a range of national housing data collected by the federal government and governorate offices as well as information related to the extent of housing damage and confiscation across the country since displacements as a consequence of the ISIL conflict commenced in January 2014.

<sup>10</sup> Note that in the Handbook a total of 23 principles are included, which are listed across eight categories: 1) Scope and Application; 2) The Right to Housing and Property Restitution; 3) Overarching Principles; 4) The Right to Voluntary Return in Safety and Dignity; 5) Legal, Policy, Procedural and Institutional Implementation Mechanisms; 6) The Role of the International Community, Including International Organisations; and 7) Interpretation. The eight overarching principles, which are the basis of the analysis framework in this report, are adopted from the Overarching Principles (principles 3-9 in the Handbook) as well as The Right to Voluntary Return in Safety and Dignity (principle 10 in the Handbook).

<sup>11</sup> The United Nations Commissioner for Human Rights contributed to the development of the handbook for implementing the Pinheiro Principles within the scope of international human rights law related to the right to housing and related issues, based on the inclusion of the right to adequate housing in the Universal Declaration of Human Rights 1948 and the recognition in a wide range of international human rights law instruments as a component of the right to an adequate standard of living.

- **Third**, a comprehensive overview and analysis of the progress and gaps in the HLP situation among IDPs and returnees is present. Details of the approach taken in this report to assess HLP progress and gaps for both IDPs and returnees is detailed in Diagram 1 below.
- **Fourth**, and finally, the conclusion summarises key HLP issues discussed throughout the report.

Diagram 1: Approach to assessing HLP progress as a pillar of durable solutions in Iraq



## METHODOLOGY

This report employed a comprehensive secondary review of data relating to HLP.

All data presented in this report was collected using quantitative techniques.

### KEY DATA SOURCES

The key data presented under each principle comes from the following sources. Click on the links to access all products and methodology notes for each research activity. Refer to Annex 1 for a full overview of the indicators used to measure the extent that each HLP principle is being met.

- [IOM Iraq Displacement Tracking Matrix \(DTM\) Master List \(Rounds 1-121; up to April 2021\)](#)<sup>12</sup>
- [IOM Iraq DTM Return Index \(1-12; up to April 2021\)](#)<sup>13</sup>
- [IOM Iraq DTM Integrated Location Assessment \(Round 5; August 2020\)](#)<sup>14</sup>
- [IOM Iraq DTM Urban Displacement Study \(August 2020\)](#)<sup>15</sup>
- [IOM Iraq Durable Solutions Panel Study \(Rounds 1-5; up to January 2020\)](#)<sup>16</sup>
- [REACH/Assessment Working Group Multi-Cluster Needs Assessment \(Round 8; July-August 2020\)](#)<sup>17</sup>
- [REACH Civil Documentation and Housing, Land and Property Needs Assessment \(January 2020\)](#)<sup>18</sup>

### SECTION OF INDICATORS

It should be noted that the Pinheiro Principles were devised specifically in relation to IDPs. However, given the widespread challenges faced by Iraqi returnees in relation to HLP, which continue to inhibit their ability to achieve durable solutions following returning home, the principles have been interpreted across both IDP and returnee population groups across the country.

The rationale for selecting indicators presented in the report is as follows. Under each principle, quantitative indicators from a range of available datasets have been presented, enabling an understanding of the extent that each rights-based principle is being achieved for both IDPs and returnees. To enable an understanding of how HLP issues differ between IDP and returnee population groups, where possible, indicator “pairs” have been included under each principle. These pairs have been included in cases where data related to a common indicator has been collected amongst both IDP and returnee population groups, as part of the same agency’s data collection exercise. For example, under the principle “the right to be protected from displacement including secondary displacement,” data for the following indicators were collected as part of IOM’s Integrated Location Assessment (ILA) 5 in 2020:

- % of IDP households living in locations where there are incidences of private residences being occupied without permission
- % of returnee households living in locations where there are incidences of private residences being occupied without permission

In addition to the overall findings of indicators being presented under each principle, where possible data is presented in charts, tables and maps to highlight key areas of concern as well as differences across governorates and population groups.

12 IOM Iraq (2015-2021). DTM Master List Datasets (1-121). See: <http://iraqdtm.iom.int/MasterList>

13 IOM Iraq (2018-2021). DTM Return Index Datasets (1-12). See: <http://iraqdtm.iom.int/ReturnIndex#Datasets>

14 IOM Iraq (2020). DTM Integrated Location Assessment (5). See: <http://iraqdtm.iom.int/ILA5>

15 IOM Iraq (2021). DTM Urban Displacement in Iraq: Overview. See: <http://iraqdtm.iom.int/DurableSolutions/ProtractedDisplacement>

16 IOM Iraq (2020). Durable Solutions Panel Study (1-5). See: <https://iraq.iom.int/publications/access-durable-solutions-among-idps-iraq-five-years-displacement>

17 REACH & Assessment Working Group (2020). Multi-Cluster Needs Assessment (8). See: <https://www.reachresourcecentre.info/country/iraq/cycle/28380/#cycle-28380>

18 REACH (2020). Civil Documentation and Housing, Land and Property Protection Needs Assessment for IDPs and Returnees. See: <https://www.reachresourcecentre.info/country/iraq/cycle/28380/#cycle-28380>

## LIMITATIONS

The limitations of this report relate to inconsistencies in the way that the presented data was collected, owing to the different methodologies employed across the assessments. The differences relate to variations in survey methodologies, including the phrasing of indicators and associated questions, as well as the types of data produced based on the design of tools and sampling strategies used: location and household level, quantitative indicative, and quantitative representative.

In addition, another limitation of this report relates to all data being drawn from secondary data sources (i.e. no data was collected specifically for this report). In summary, these limitations mean that all indicators have been identified as relevant to measure progress under each of the principles on a "most relevant" basis. As such, the quality of indicators as tools to measure progress towards the realization of HLP rights varies across the 10 principles.

## HISTORY OF HLP THROUGHOUT PERIODS OF CONFLICT IN IRAQ<sup>19</sup>

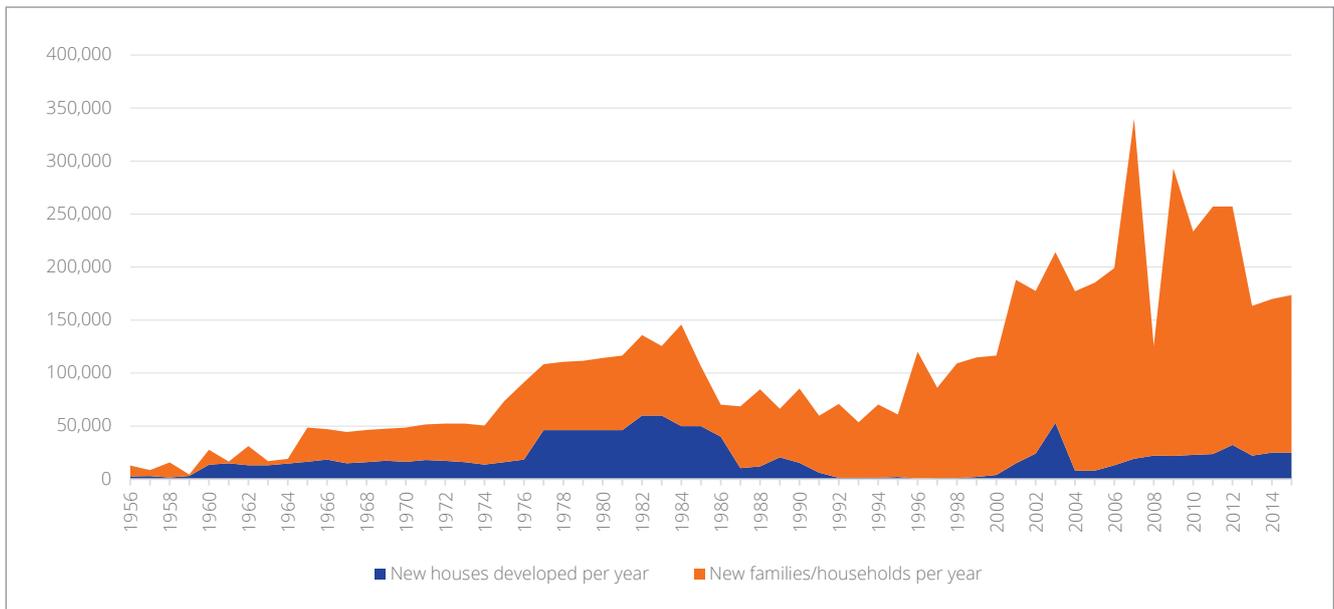
Since 1968, distinct periods of conflict have had a significant impact on the availability of housing supply for the population of Iraq. The impact of these conflict periods on housing is summarized below:

- 1968-1980 (Pre-conflict period): This period was characterized by significant development of housing across the country. Despite high rates of conflict and persecution faced by certain groups under the Ba'ath regime during this period, annual increases in housing stock were broadly commensurate with increases in the formulation of households. This means that many typically new and young families came together under a single roof.
- 1980-1988 (Iraq-Iran War) and 1993-2003 (Gulf War with UN sanctions):<sup>20</sup> The number of new annual housing stock

dropped significantly during the Gulf War with Iran, and then became worse again after the Gulf war in 1991 before bouncing back until 2003.

- 2003 (US-led occupation of Iraq commences): Housing production deteriorated following the arrival of the US-led coalition.
- 2003-2013: Housing supply steadily rose between 2004 and 2013. However, this was at insufficient levels to keep up with spikes in new households in 2007 and again in 2010.<sup>21</sup>
- Figure 1 below highlights the impact on housing sector development relative to the rising number of families per year throughout the different waves of conflict.

Figure 1: Number of new houses developed and new families/households founded per year (1956-2015)



<sup>19</sup> All data in this section was originally published in the following resource. Al-Hafith, O. Bk, Satish. & de Wilde, Pieter (2019). Assessing housing approaches for Iraq: Learning from the world experience. Habitat International Journal.

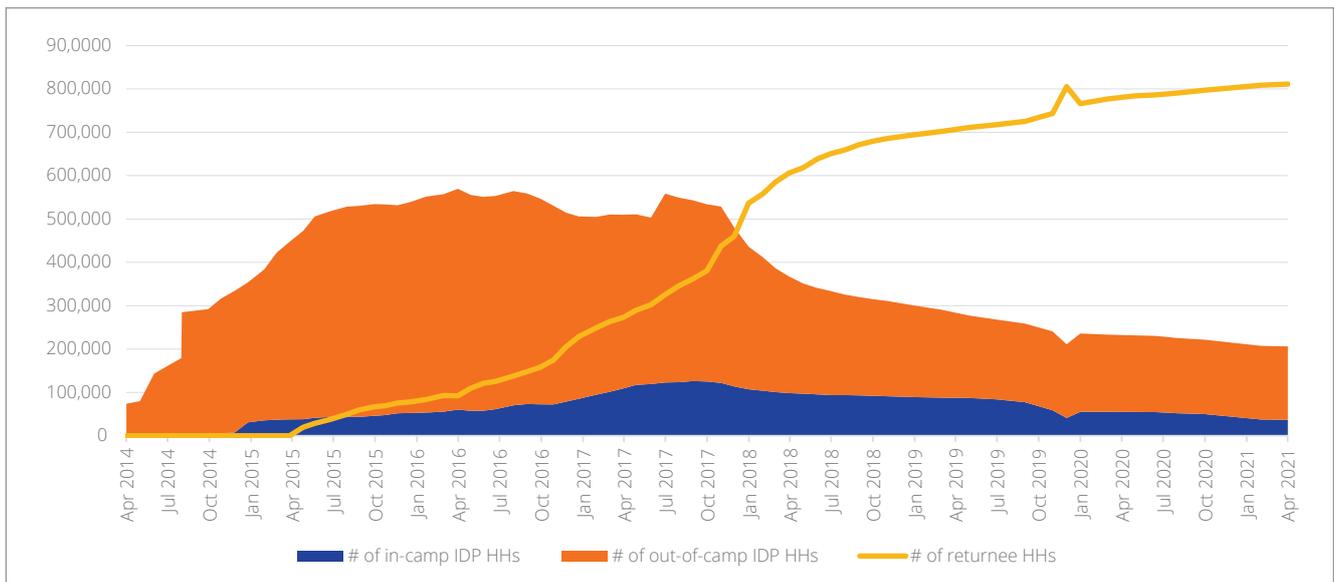
<sup>20</sup> Al-Hafith, O. Bk, Satish. & de Wilde, Pieter (2019). Assessing housing approaches for Iraq: Learning from the world experience. Habitat International Journal.

<sup>21</sup> Ibid.

- 2014-2017 (ISIL conflict): Despite the conflict in the north and central regions of the country between ISIL and government forces, national housing supply remained steady during this period. However, 5.8 million individuals became displaced from their homes.
- 2017-2021 (Post-ISIL conflict): As of April 2021, around 1.2 million families have returned to their area of origin, while about 206,000 IDP families remain in displacement. Among these IDPs, 169,210 families are displaced in

out-of-camp settings and the remaining 37,736 families are in camps. The number of IDPs across the country has steadily declined since the Iraqi Government declared defeat over ISIL in December 2017. A sharp decline in the number of IDPs can be seen between October 2019 and January 2020, following the government's decision to close or re-classify camps and informal settlements across the country. A total of 811,175 returnee families arrived back to their area of origin during that time.<sup>22</sup>

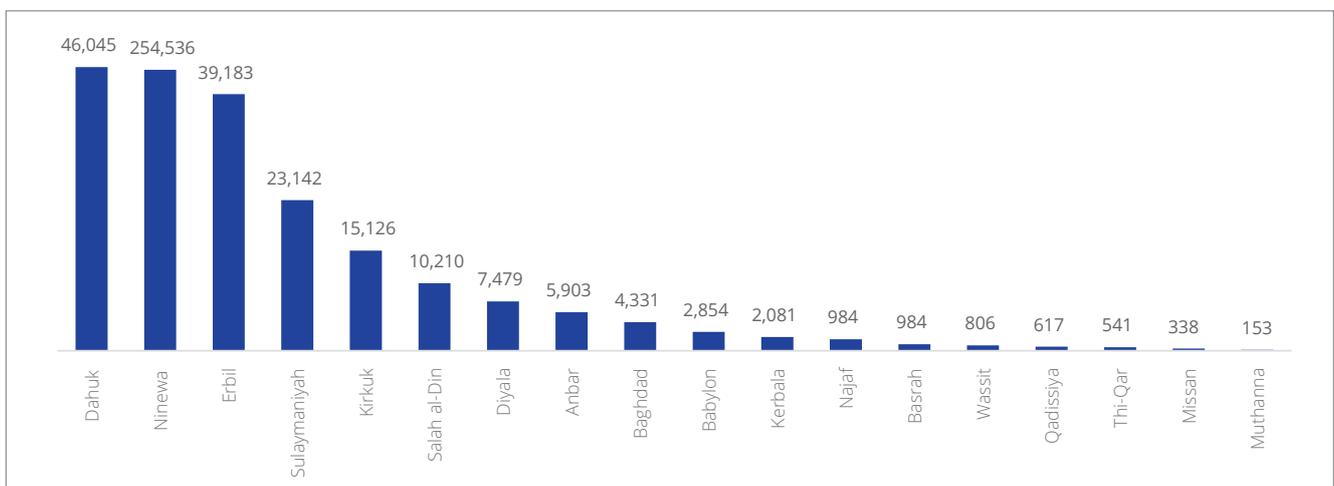
Figure 2: Number of IDP households (in-camp and out-of-camp) and returnee households over time



- 2017-2021 (Post-ISIL conflict continued): Additionally, as of April 2021, the breakdown of IDP and returnee families at governorate level, as well as a map displaying

the distribution of IDP and returnee households, are displayed below.<sup>23</sup>

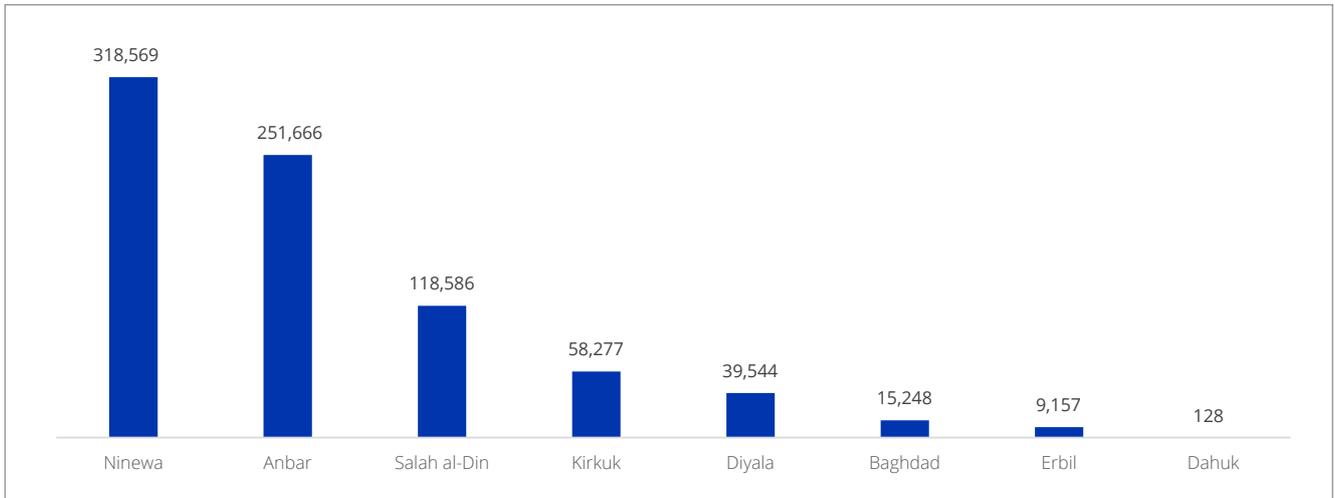
Figure 3: Number IDP households at the governorate level (as of April 2021)



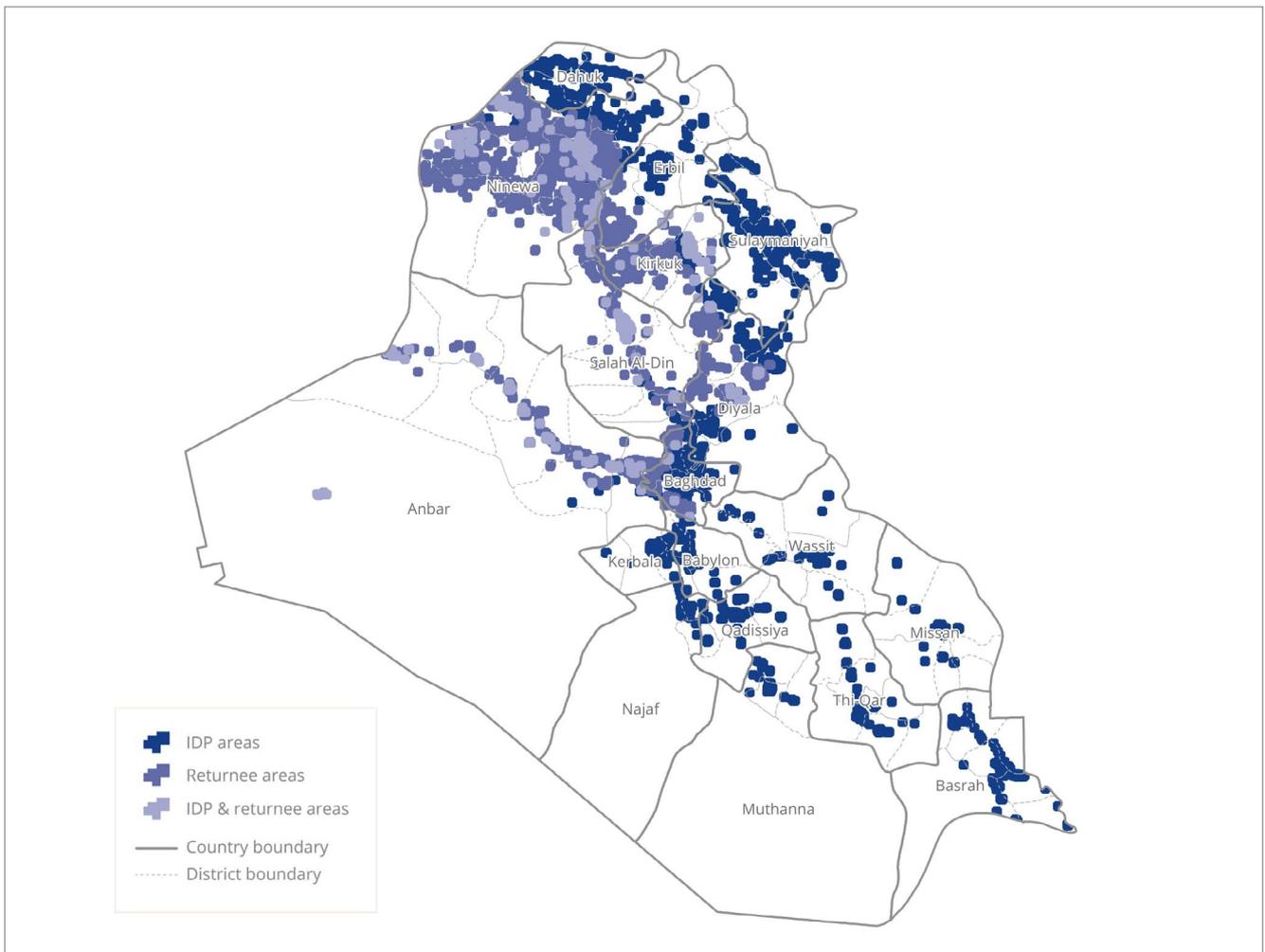
22 IOM Iraq (2015-2021). DTM Master List Datasets (1-121). See: <http://iraqdtm.iom.int/MasterList>

23 Ibid.

Figure 4: Number of returnee households at the governorate level (as of April 2021)



Map 1: Distribution of IDP and returnee locations in Iraq (as of April 2021)



## ASSESSMENT OF HLP PROGRESS TOWARDS DURABLE SOLUTIONS IN IRAQ

### PINHEIRO PRINCIPLE 1: THE RIGHT TO NON-DISCRIMINATION

The first overarching principle refers to the right for displaced communities to be protected from discrimination of any type.<sup>24</sup> IOM's ILA 2020 sought to understand the extent of unequal access to rental housing, through observing whether some or all IDPs are prevented from renting.<sup>25</sup> This is an important issue to consider, given that many IDPs opt to rent properties in displacement settings so long as their financial capacity allows, along with the ongoing issue that IDPs are often forced into camp settings due to a shortage of money to cover housing costs.

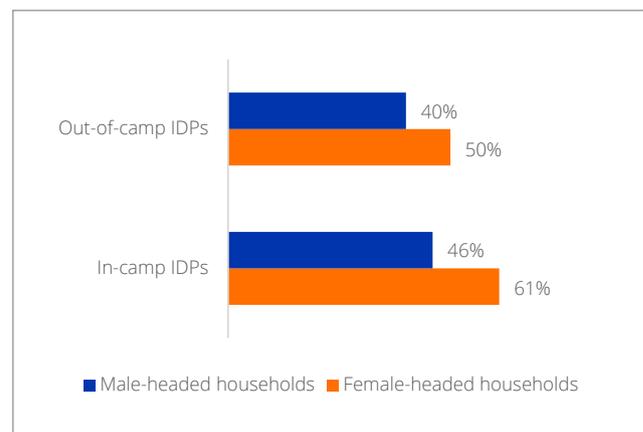
Overall, only two per cent of IDPs are living in locations where there is unequal access to rental housing. Notably, this issue is reported only in Ninewa governorate's districts of Al-Hamdaniyah (46%) and Sinjar (19%).<sup>26</sup> This problem is not faced by IDPs in any other districts of displacement, nor in any districts where returnees reside.

### PINHEIRO PRINCIPLE 2: THE RIGHT TO EQUALITY BETWEEN MEN AND WOMEN

The second principle refers to equality between men and women. Data from the MCNA 2020 allows for an understanding of the differences in the rates at which female- versus male-headed IDP households face barriers to returning to their area of origin due to HLP-related issues. Across both types of displacement settings (camp and out-of-camp), female-headed households are more likely to face HLP problems as a barrier to returning home. These types of problems include destruction or damage sustained to

housing, the occupation of land, or assets having been stolen in their pre-displacement location.<sup>27</sup> In camp settings, 61 per cent of female-headed households reported facing this type of return barrier, compared with 46 per cent of male-headed households.<sup>28</sup> Similarly, in out-of-camp settings, one in two female-headed households (50%) report facing this issue compared with only 40 per cent of those which are male-headed.<sup>29,30</sup> Refer to Figure 5 below.

Figure 5: % of female- and male-headed IDP households facing HLP barriers to returning home, by type of displacement setting (out-of-camp versus in-camp)



24 The framework highlights the following the types of discrimination that displaced persons should be protected from: race, colour, sex, language, religion, political or other opinion, national or social origin, property, disability, birth, or other status. Refer to: FAO, IDMC, OCHA, UNHCR & OHCHR (2007). Handbook - Housing and Property Restitution for Refugees and Displaced Persons: Implementing the Pinheiro Principles. See: [https://www.ohchr.org/Documents/Publications/pinheiro\\_principles.pdf](https://www.ohchr.org/Documents/Publications/pinheiro_principles.pdf)

25 In addition to the issue of unequal access to housing amongst IDPs, there is commonly unequal access to housing between IDPs and the host communities. However, data is not available to assist in determining the extent of this issue in Iraq.

26 In Al-Hamdaniyah district, unequal access to rental housing is an issue in the IDP camps within the sub-district of Al-Namroud. In addition, in Sinjar district, unequal access to rental housing is an issue in the IDP camps within the sub-district of Al-Shamal.

27 IDPs' pre-displacement locations are also commonly referred to as locations of origin.

28 REACH & Assessment Working Group (2020). Multi-Cluster Needs Assessment (8). See: <https://www.reachresourcecentre.info/country/iraq/cycle/28380/#cycle-28380>

29 Ibid.

30 The fact that female-headed households are more likely to face this barrier should be considered in the broader context of these households being more likely to encounter most types of barriers to returning home when compared with male-headed households.

### PRINCIPLE 3: THE RIGHT TO BE PROTECTED FROM DISPLACEMENT (INCLUDING SECONDARY DISPLACEMENT)

The third principle refers to the right to be protected from displacement. This principle can be interpreted in numerous ways in the context of Iraq. Firstly, and obviously, the 6.1 million individuals (16% of the population) who became displaced during the ISIL conflict were deprived of this right, and the remaining 1.2 million individuals in displacement continue to be deprived of it. The principle can also be applied to IDPs individuals who have re-settled in their area of origin or in a third location, but who are yet to achieve a durable solution due to challenges accessing safe and sustainable housing options.<sup>31</sup>

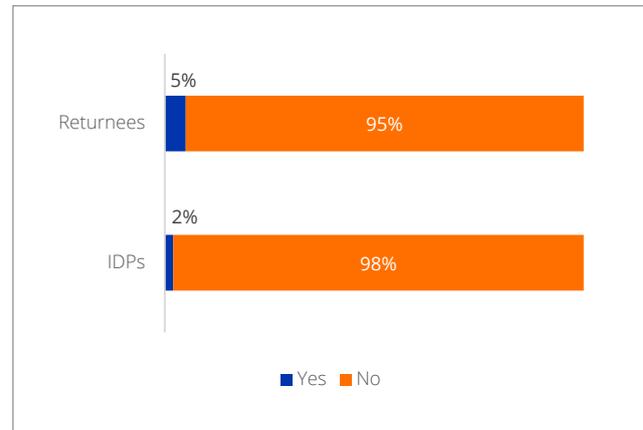
Since the data summarized under the other principles relates specifically to the issues of household loss, destruction and missing documentation, this section summarises available data relating to the illegal occupation of private residences, as well as cases where there are threats of housing evictions. It also highlights some key issues relating to IDP homeowners being unable to live in their homes for a range of reasons.

#### Occupation of private residences

During the period of ISIL conflict, rates of illegal and secondary occupation of housing were high in many ISIL-held territories. The main groups who occupied households were armed groups, including in some cases those affiliated with ISIL or opposition forces, as well as other IDPs or returnees.<sup>32</sup>

IOM's ILA 2020 assessment explored the extent of housing occupations in both locations of displacement and return. Overall, only two per cent IDP households are living in locations where there are incidences of private residences being occupied without permission from the homeowner or their family and friends.<sup>33</sup> This issue is most common in locations of displacement within Ninewa governorate (10%), followed by Missan (6%), Salah al-Din (2%), and Wassit (1%). There are no reports of this issue taking place in the remaining 11 governorates where IDPs reside.<sup>34</sup>

Figure 6: % of IDP and returnee households living in locations where there are incidences of private residences being occupied without permission



However, more significant variations in rates of illegal housing occupations can be observed at the district level. Notably, all IDPs (100%) in Ninewa governorate's Al-Ba'aj district and Salah al-Din governorate's Al-Daur district are living in locations where occupations of private residences take place.<sup>35</sup> Additionally, around one in two IDPs (52%) in the district of Al-Hawiga in Kirkuk governorate are living in locations where it occurs, while it is also reported at significant rates in Ninewa's districts of Sinjar (38%) and Telafar (30%).<sup>36</sup> Ten per cent of IDPs in district in Salah al-Din are also living in areas where this issue takes place.

Overall, returnees are slightly more likely than IDPs to live in locations where illegal occupation of housing takes place (5%).<sup>37</sup> The rates that this problem is faced by returnees also varies significantly across the districts to which they have returned. Most districts where significant numbers of returnees are living in areas with high rates of illegal occupations of housing are in Salah al-Din governorate; it was in this governorate where the majority of these cases took place before the defeat of ISIL was declared in December 2017.<sup>38</sup> In 2020, particularly high rates of illegal occupations were recorded in Salah al-Din governorate's

31 The issue of IDPs not being able to return home due to having misplaced documentation proving ownership of their pre-displacement houses is covered under Additional Principle 1, relating to the right to HLP property records and documentation.

32 The high incidence of this issue is reflected in an IOM study conducted at the height of the crisis (in 2015) in the three of the main governorates from which IDPs displaced: Salah al-Din, Ninewa and Diyala. The study estimated that around two thirds of returnees (60%) face problems linked to the occupation of their houses. Refer to: IOM (2016). Housing, Land and Property Issues Facing Returnees in Retaken Areas of Iraq. See: [https://www.iom.int/sites/default/files/our\\_work/DOE/LPR/Hijra-Amina-HLP-return-assessment.pdf](https://www.iom.int/sites/default/files/our_work/DOE/LPR/Hijra-Amina-HLP-return-assessment.pdf)

33 IOM Iraq (2020). Integrated Location Assessment 5 Dataset. See: <http://iraqdtm.iom.int/ILA5#Datasets>

34 Ibid.

35 Ibid.

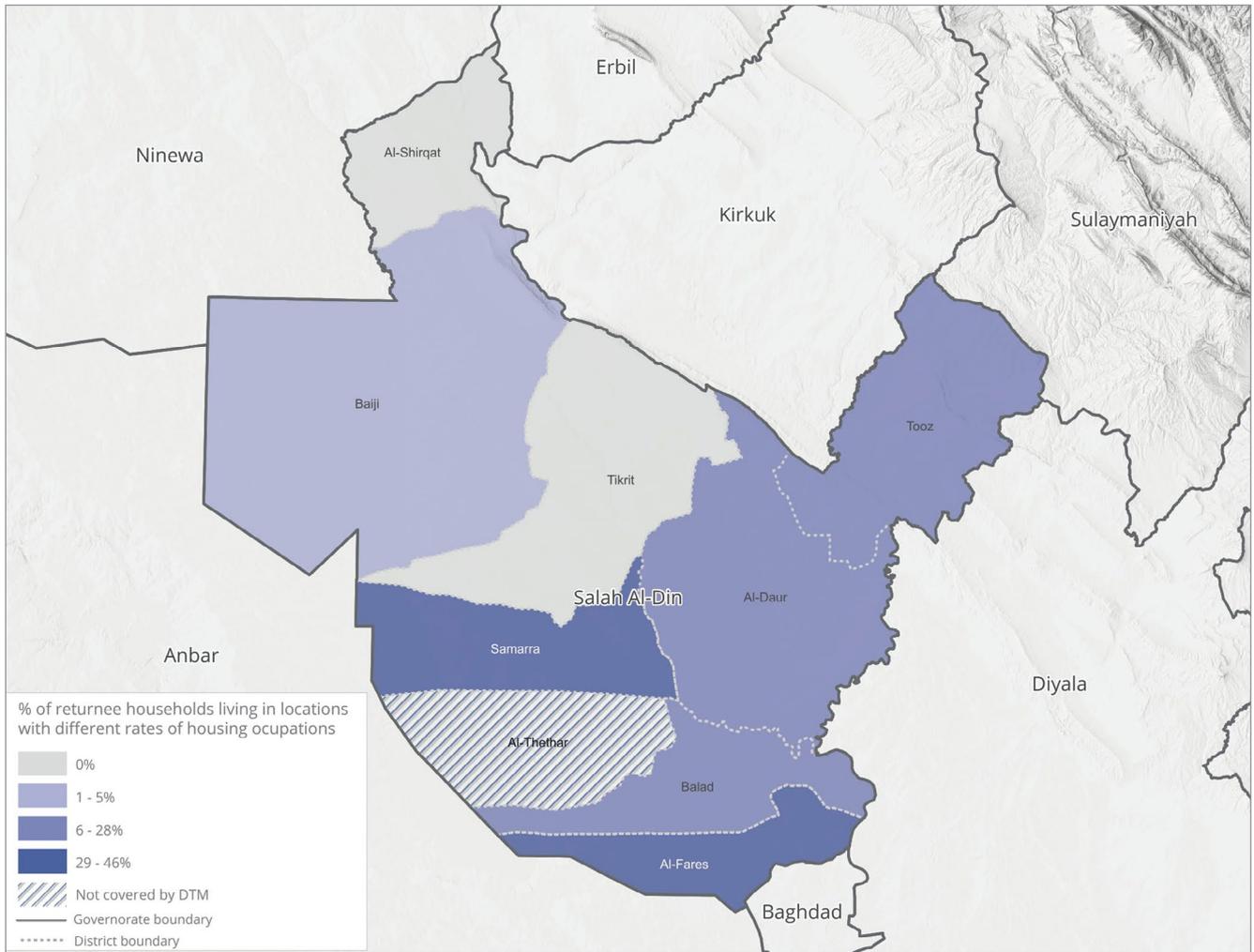
36 Ibid.

37 Ibid.

38 Ibid.

districts of Al-Fares (46%), Samarra (45%), Al-Daur (28%), and Tuz (25%).<sup>39</sup>

Hotspot Map 1: % of returnee households living in locations with different rates of housing occupations in Salah al-Din governorate



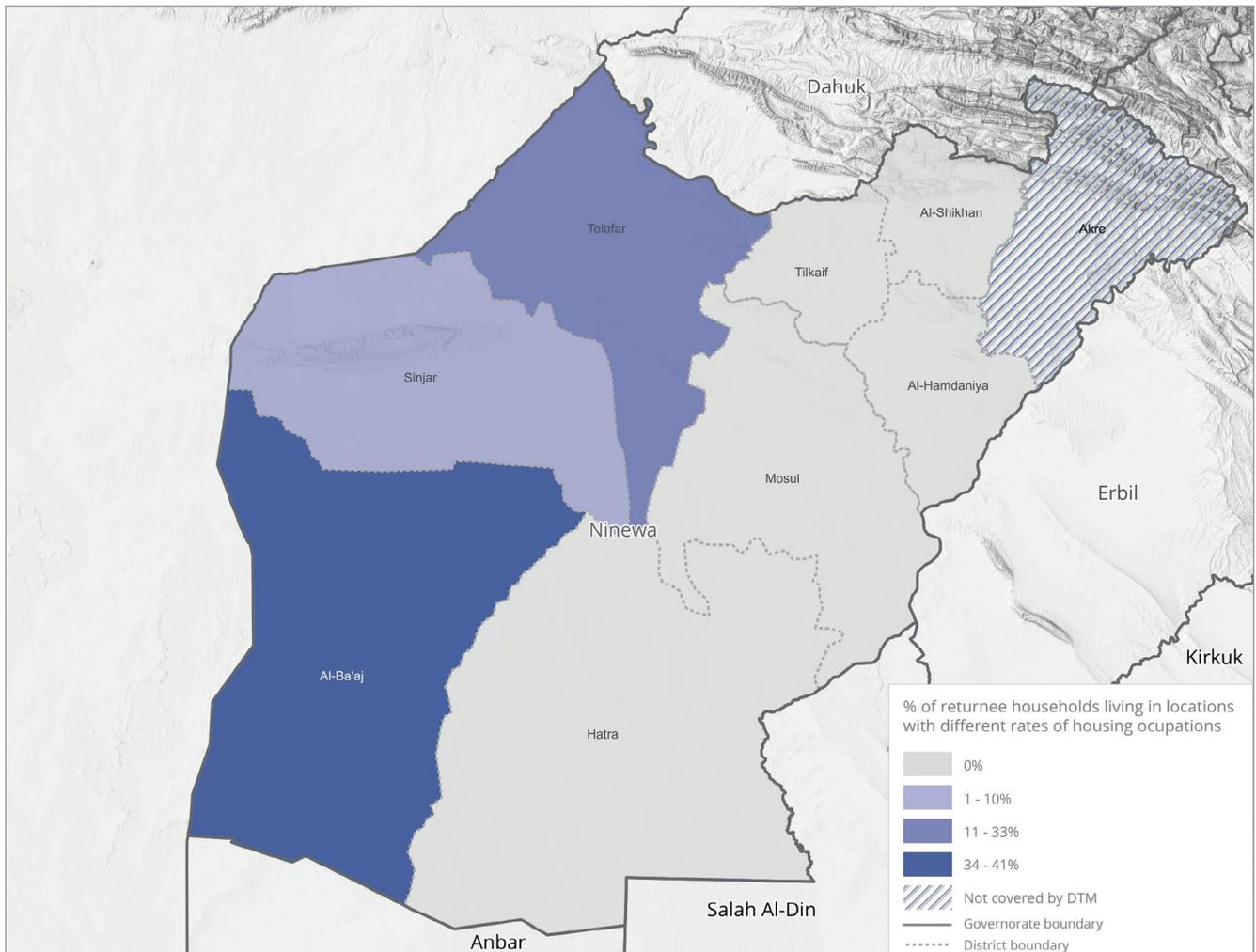
A significant number of returnee households in Ninewa governorate also live in locations where housing occupations take place without permission. Rates of this issue are

especially high in Ninewa governorate's districts of Al-Ba'aj (41%), Telafar (33%), and Sinjar (10%).<sup>40</sup> Refer to Hotspot Map 2 below.

39 IOM (2020). DTM Integrated Location Assessment 5 Dataset. See: <http://iraqdtm.iom.int/ILA5#Datasets>.

40 These figures broadly align with data collected by IOM as part of the Return Index 12 (March-April 2021). In this assessment, 8 per cent of all returnees across the country are living in locations where "some" or "a lot" of private residences are being occupied. Twenty-three per cent of returnees in Salah al-Din are living in such conditions, especially in the districts of Tuz (76% of returnees), Balad (65%), Samarra (24%) and Tikrit (22%). Additionally, nine per cent of returnees in Ninewa are living in locations with such conditions, especially in Telafar (33% of returnees), Sinjar (25%), Al-Ba'aj (23%). Notably, one in 20 returnees in Sinjar district (5%) are living in locations where "a lot" of occupations take place.

Hotspot Map 2: % of returnee households living in locations with different rates of housing occupations in Ninewa governorate



Given that the issue of occupied housing is a more pressing issue in return locations, posing problems for those who have returned and those wanting to return, it could be said that the hotspot districts displayed in the maps above require further attention from HLP partners trying to address this issue.

## HOUSING EVICTIONS AND CAMP CLOSURES

Forced evictions from houses can also lead directly to the displacement of families. IOM's ILA 2020 found that the issue of forced evictions does not represent a major challenge in IDP or returnee communities: less than one per cent of each of IDPs and returnees are living in locations where evictions represent a key shelter-related problem. By far, this problem is most prominent in Ninewa governorate's Sinjar district,

where one in 20 IDP households (5%) are living in areas where it takes place.

The ILA 2020 also explored the different reasons why returnees have returned home. Only one per cent of all returnees live in locations where families came home following being evicted in their location of displacement.<sup>41</sup> However, as many as six per cent of returnees in Erbil governorate and three per cent in Diyala governorate are living in communities where this issue prompted IDPs to return.

In addition to housing evictions, the sudden closure of IDP camps by the Government of Iraq has also resulted in a significant number of returns and re-displacements. As displayed in Figure 7 below, a total of 22,389 IDP families have returned from camps between October 2019 and April 2021.<sup>42</sup> The largest increase in returnee families coming from

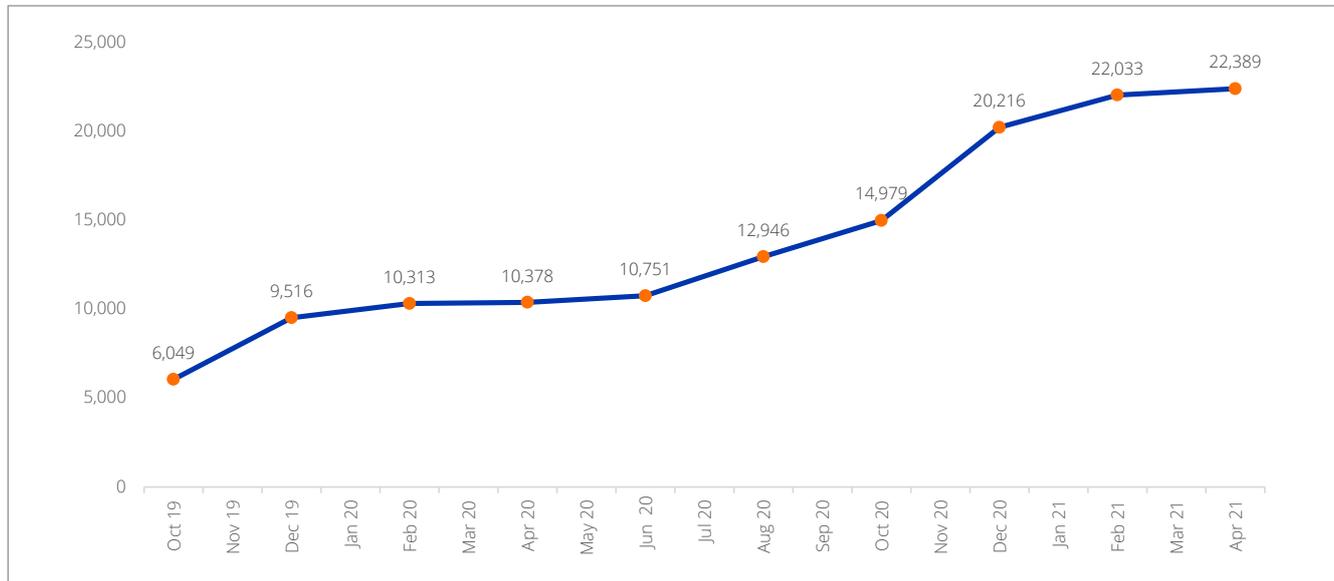
41 IOM Iraq (2020). DTM Integrated Location Assessment 5 Dataset. See: <http://iraqdtm.iom.int/ILA5#Datasets>

42 IOM Iraq (2021). DTM Master List Dataset (121). See: <http://iraqdtm.iom.int/MasterList>

camps was between September and October 2019 (6,049), with a significant number also recorded in the November to December 2020 period (5,237).<sup>43</sup> Refer to the section below

covering the sixth principle for further information relating to the distribution of IDP camps across the country.

Figure 7: Number of returnee families arriving to their area of origin from camps, October 2019 to April 2021 (rolling total)



#### PINHEIRO PRINCIPLE 4: THE RIGHT TO PRIVACY AND RESPECT FOR THE HOME

The Pinheiro Handbook identifies the right to privacy and respect for the home as a fundamental human right that must be upheld to prevent displacement in the first instance.<sup>44,45</sup> This fourth principle can also be interpreted in terms of the right for all families to enjoy a house that is built and maintained in a way that allows for a sufficient level of privacy and dignity. The MCNA 2020 explored the extent to which improved privacy and dignity are among the main shelter needs amongst IDP and returnee communities across the country.

As displayed below, all groups report that improved privacy and dignity as a main shelter need at similarly low rates at

the national level: in-camp (12%), out-of-camp IDPs (10%) and returnees (9%). While there is no significant difference between female- and male-headed households,<sup>46</sup> there is a significant variation in the rates at which the three population groups report this type of need across the country.

Amongst in-camp IDPs, the highest proportion of households reporting improved privacy and dignity as a main shelter need is in Kirkuk district (52%) in Kirkuk governorate, followed by Tikrit district (28%) in Salah al-Din governorate (28%), and Al-Hindiya district in Kerbala governorate (28%).<sup>47</sup> Additionally, amongst out-of-camp IDPs, the highest rates of this type of shelter need were recorded in Al-Najaf district (25%) in Al-Najaf governorate, Al-Musayab district in Babylon governorate (22%) and Ramadi district (20%) in Anbar governorate. As for returnees, hotspots were recorded

43 According to the Iraq CCCM Cluster, between October 2020 and February 2021, 16 camps and informal sites were closed or re-classified (12 formal camps closed, two informal sites closed, and two formal camps re-classified as informal sites). For more information refer to DTM's Emergency Tracking report. IOM (2021). DTM Emergency Tracking: Movement of Camp IDPs.

44 FAO, IDMC, OCHA, UNHCR & OHCHR (2007). Handbook - Housing and Property Restitution for Refugees and Displaced Persons: Implementing the Pinheiro Principles. See: [https://www.ohchr.org/Documents/Publications/pinheiro\\_principles.pdf](https://www.ohchr.org/Documents/Publications/pinheiro_principles.pdf)

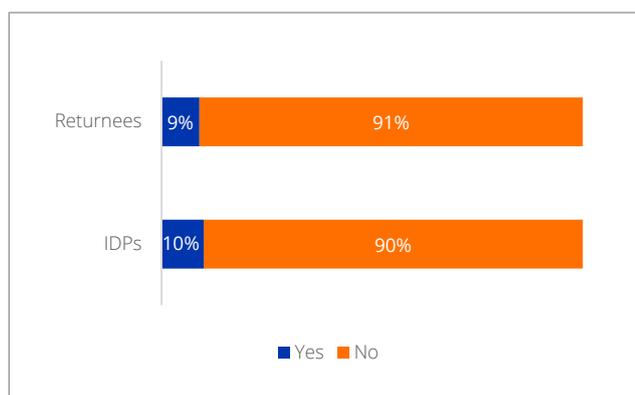
45 The framework also highlights the right to privacy and respect for the home as fundamental in terms of the restoration of rights should they be subject to violation. Article 8 of the European Convention on Human Rights has often been used by claimants in human rights cases seeking housing and property restitution. Article 8 focuses on the right to respect for private and family life. For more information, refer to: European Court for Human Rights (2020). Guide on Article 8 of the European Convention on Human Rights: Right to respect for family life, home and correspondence. See: [https://www.echr.coe.int/documents/guide\\_art\\_8\\_eng.pdf](https://www.echr.coe.int/documents/guide_art_8_eng.pdf)

46 Amongst IDPs, 11% of female-headed households and 10% of male-headed households reported improved privacy and dignity as a main shelter need. In addition, amongst returnees, 13% of female-headed households and 15% of male-headed households reported this need. Refer to: REACH (2020). MCNA 2020 Dataset. See: <https://www.reachresourcecentre.info/country/iraq/cycle/28380/#cycle-28380>

47 REACH (2020). MCNA 8 Dataset. See: <https://www.reachresourcecentre.info/country/iraq/cycle/28380/#cycle-28380>

in Salah al-Din governorate's districts of Balad (26%) and Samarra (21%), as well as Anbar governorate's Heet district (28%).<sup>48</sup> No significant differences were recorded between IDPs living in camps versus outside of camps at the overall aggregated level.

**Figure 8: % of IDP and returnee households reporting improved privacy and dignity as a main shelter need<sup>49</sup>**



## PINHEIRO PRINCIPLE 5: THE RIGHT TO PEACEFUL ENJOYMENT OF POSSESSIONS

The fourth overarching principle relates to the right of all displacement-affected communities to the peaceful enjoyment of their possessions – including their houses and other assets.<sup>50</sup> The interpretation of this principle differs between IDPs and returnees, which is reflected in the indicators presented below. While both IDPs and returnees may be forced to sell their household assets as a main

source of income, IDPs commonly face the issue of other groups living in their house in their previous location.

The MCNA 2020 examined the different primary income sources that IDP and returnee households rely on. Overall, IDP households are slightly more likely to rely on income from selling their household assets compared with returnees, at respectively two per cent and less than one per cent. However, a greater variation across districts can be observed amongst IDPs compared with returnees. The rates of returnees reporting this issue did not exceed two per cent in any district. However, the rates of out-of-camp IDPs reporting resorting to selling household assets were higher in Erbil governorate's Shaqlawa district (10%) and Ninewa governorate's Aqra district (7%).<sup>51</sup> Otherwise, the highest rates of in-camp IDPs resorting to this form of income generation were reported in Dahuk governorate's districts of Al-Amadiya (5%) and Zakho (5%).

Another indicator relating specifically to IDPs residing in out-of-camp settings relates to the rates at which their pre-displacement houses are being lived in by different groups (either legally or illegally).<sup>52,53,54</sup> In some cases IDPs' households are being lived in under an arrangement between them and the tenants. In other cases, the houses may be occupied illegally or without consent of the owner.

Overall, amongst IDP households who own a house in their area of origin, around half (51%) report that someone else is living in it. Notably, all IDP households (100%) from Anbar governorate's Al-Rubta district as well as Basrah governorate's Basrah district reported that this is the

48 REACH (2020). MCNA 8 Dataset. See: <https://www.reachresourcecentre.info/country/iraq/cycle/28380/#cycle-28380>

49 In the MCNA 2020, households were asked what their priority shelter needs are in order to make it a better place to live in. Enumerators provided the following examples of ways that shelters may be improved in terms of improved privacy and dignity: no separate rooms, not enough space, shared facilities such as toilets and showers, low/high ceilings, lack of ventilation, lack of natural lighting. Refer to: Iraq Assessment Working Group & REACH (2020). MCNA 2020 dataset. See: <https://www.reachresourcecentre.info/country/iraq/cycle/28380/#cycle-28380>

50 The Pinheiro Principles Handbook refers to the principle 21 of the IDP Guiding Principles, which preceded the IASC Framework, which recognizes the following. No one shall be arbitrarily deprived of their property and possessions, through any of the following: pillaging, direct or indiscriminate attacks or other acts of violence being used to shield military operations or objectives; being made the object of reprisal; and being destroyed or appropriated as a form of collective punishment. Refer to: OCHA (1998). Guiding Principles on Internal Displacement. See: <https://www.internal-displacement.org/sites/default/files/publications/documents/199808-training-OCHA-guiding-principles-Eng2.pdf>

51 IOM (2021). Urban Displacement in Iraq: Overview. See: <http://iraqdtm.iom.int/DurableSolutions/ProtractedDisplacement>

52 Ibid.

53 As with all data collected as part of IOM's Urban Displacement study in 2020, data for this indicator was collected in locations of displacement. In cases where a sufficient number of IDP households originating from a certain district were surveyed during data collection, data can be reported on based on IDPs' districts of origin. However, in cases where an insufficient number of surveys were conducted for a certain district of origin, data is not able to be reported on. In total there are 54 districts of origin; 21 of these districts are able to be reported on. Notably, three key districts from which a significant number of IDPs originate are not able to be reported on; these include Ninewa governorate's districts of Al-Ba'aj and Hatra and Baghdad governorate's Al-Resafa district. These three districts are all in the top 20 districts from which the highest number of IDP households originate.

54 It is important to note that IDP households were asked if they owned or rented a house in their area of origin, and a separate question on the current condition of the house (destroyed or habitable). In cases where households reported that they owned a house that is habitable, they were then asked if someone else is living in the house. Data presented here relating to the proportion of IDPs whose households are occupied by someone else relates to the subset of those who were surveyed who owned a house that is habitable.

case.<sup>55</sup> Additionally, a significant proportion of households from Baghdad governorate's Tarmia district (73%), Diyala governorate's Kifri district (65%), Ninewa governorate's Mosul district (59%) and Anbar governorate's Al-Ka'im district (57%) reported that their pre-displacement houses are being lived in by someone else.<sup>56</sup>

## PINHEIRO PRINCIPLE 6: THE RIGHT TO ADEQUATE HOUSING

The sixth overarching principle relates to the right of all displacement-affected communities to adequate housing.<sup>57</sup> The indicators presented below represent the different dimensions of adequate housing across the country. These indicators cover the condition of housing amongst IDP and returnee communities, with a particular focus on the locations where higher numbers of families are living in shelters in critically poor condition. Other key indicators relate to the issue of IDP households being unable to return home due to damage sustained to housing, the different types of shelter improvements needed, as well as the prevalence of residential destruction and reconstruction in locations of return.

The key information resource to understand the condition of housing of IDPs and returnees is IOM's Master List.<sup>58</sup> Overall, nine per cent of all IDP households live in shelters in critical condition, while four per cent of returnees live in them. As displayed in Table 1 below, there is a significant variation across the top 20 districts of displacement in the number of IDP households living in shelters classified as "critical" – noting that this table does not include figures for the number of households living in camps (refer to the below section for this information). By far, the highest number of IDP households living in critical shelters is in Sumel (3,508), amounting to 14 per cent of all IDPs in that district, who are mostly living in unfinished buildings (2,070) and informal settlements (1,438).<sup>59</sup> A significant number of IDP households are also living in critical shelters in Falluja district (2,550; 79%), who are mostly residing in informal settlements (1,601) and other collective centres across the district.<sup>60</sup>

55 IOM (2021). Urban Displacement in Iraq: Overview. See: <http://iraqdtm.iom.int/DurableSolutions/ProtractedDisplacement>

56 IOM (2021). Urban Displacement in Iraq: Overview. See: <http://iraqdtm.iom.int/DurableSolutions/ProtractedDisplacement>

57 The notion of 'adequacy' refers to housing that includes the following: security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability accessibility and cultural adequacy. Refer to: FAO, IDMC, OCHA, UNHCR & OHCHR (2007). Handbook - Housing and Property Restitution for Refugees and Displaced Persons: Implementing the Pinheiro Principles. See: [https://www.ohchr.org/Documents/Publications/pinheiro\\_principles.pdf](https://www.ohchr.org/Documents/Publications/pinheiro_principles.pdf)

58 IOM Iraq's DTM Master List is implemented on a bi-monthly basis. The Master List is carried out at the location level (including camps/sites/villages/neighbourhoods) with the IDP or/and returnee population. It collects data on IDPs in around 3,000 locations across 104 districts in 18 governorates and data on returnees in around 1,900 locations across 38 districts in 8 governorates. IOM (2021). Master List Methodology. See: <http://iraqdtm.iom.int/MasterList#Methodology>

59 IOM Iraq (2021). Master List Dataset (121). See: <http://iraqdtm.iom.int/MasterList>

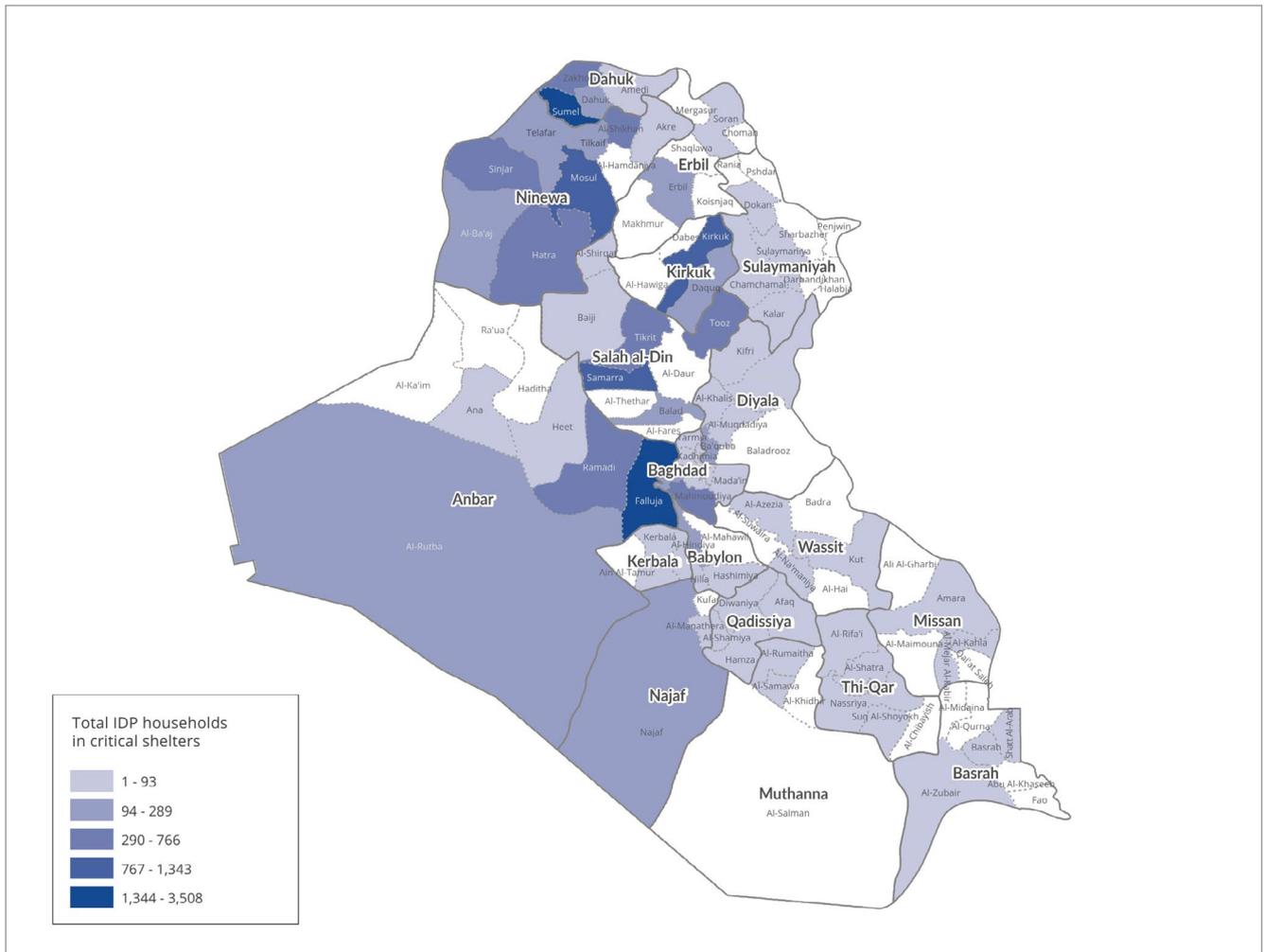
60 For a full overview of the number of IDPs living in all shelter types, refer to the Master List datasets. In addition to the types of critical shelters listed in the table on this page, the other types of shelters that IDPs reside in include: camps, host families, hotel/motel or short-term rental; own property; rental (habitable), and unknown shelter types. See: IOM (2021). Master List Datasets. See: <http://iraqdtm.iom.int/MasterList#Datasets>

Table 1: Top 20 districts of displacement, by types of critical shelter

Governorate	District	Total IDP households	Total critical shelter (as proportion of all IDPs in district)		Informal shelters		Other collective centres		Religious buildings		School buildings		Unfinished Building		Rented Uninhabitable		Non-residential structure	
			#	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#
Anbar	Falluja	3,246	2,550	79%	1,601	49%	536	17%	27	1%	0	0%	379	12%	7	0%	0	0%
Babylon	Al-Musayab	2,527	100	4%	0	0%	0	0%	0	0%	0	0%	0	0%	4	0%	96	4%
Dahuk	Sumel	25,533	3,508	14%	1,438	6%	0	0%	0	0%	0	0%	2,070	8%	0	0%	0	0%
Dahuk	Zakho	14,897	622	4%	249	2%	0	0%	2	0%	0	0%	371	2%	0	0%	0	0%
Dahuk	Dahuk	4,667	194	4%	15	0%	0	0%	0	0%	0	0%	179	4%	0	0%	0	0%
Diyala	Ba'quba	3,235	198	6%	0	0%	0	0%	0	0%	0	0%	45	1%	153	5%	0	0%
Diyala	Khanaqin	2,119	71	3%	0	0%	0	0%	0	0%	0	0%	5	0%	66	3%	0	0%
Erbil	Erbil	36,105	146	0%	72	0%	0	0%	0	0%	0	0%	74	0%	0	0%	0	0%
Kerbala	Kerbala	1,883	4	0%	0	0%	0	0%	4	0%	0	0%	0	0%	0	0%	0	0%
Kirkuk	Kirkuk	13,705	1,224	9%	1,021	7%	0	0%	0	0%	1	0%	25	0%	177	1%	0	0%
Ninewa	Mosul	17,652	1,202	7%	178	1%	0	0%	26	0%	48	0%	649	4%	285	2%	16	0%
Ninewa	Al-Shikhan	7,915	388	5%	0	0%	0	0%	10	0%	0	0%	378	5%	0	0%	0	0%
Ninewa	Sinjar	6,036	688	11%	432	7%	0	0%	0	0%	0	0%	136	2%	120	2%	0	0%
Ninewa	Akre	4,775	57	1%	0	0%	0	0%	0	0%	0	0%	57	1%	0	0%	0	0%
Ninewa	Telafar	1,588	153	10%	64	4%	0	0%	0	0%	0	0%	13	1%	76	5%	0	0%
Salah al-Din	Tuz	3,611	477	13%	241	7%	0	0%	0	0%	0	0%	13	0%	223	6%	0	0%
Salah al-Din	Samarra	2,718	1,343	49%	695	26%	21	1%	10	0%	191	7%	209	8%	217	8%	0	0%
Salah al-Din	Tikrit	2,512	766	30%	132	5%	0	0%	0	0%	15	1%	480	19%	139	6%	0	0%
Sulaymaniyah	Sulaymaniya	15,111	25	0%	1	0%	0	0%	9	0%	0	0%	15	0%	0	0%	0	0%
Sulaymaniyah	Kalar	3,364	3	0%	0	0%	0	0%	0	0%	0	0%	3	0%	0	0%	0	0%

Additionally, the distribution of IDP households living critical shelters across all districts of displacement is displayed in Map 3 below.<sup>61</sup>

Map 3: Distribution of IDP households living in critical shelters



In addition to the critical shelter types listed above, camps are also sub-standard due to their temporary nature and often poor conditions. Despite a significant decrease in the number of IDP families living in camps between October 2020 and February 2021 following their closure and re-classification by the Iraqi government,<sup>62</sup> there remains a total of 36,620

IDP households – 15 per cent of nation’s caseload - living in camps across the country.<sup>63</sup> By far, the highest number of IDP families are located in Chamishku in Zakho district (4,324), followed by Khanke (2,690) and Rwanga (2,452) in Sumail district, as well as Essian in Al-Shikhan district.<sup>64</sup>

61 IOM Iraq (2021). DTM Master List Dataset (121). See: <http://iraqdtm.iom.int/MasterList>

62 IOM Iraq (2020-2021). DTM Camp Movements Emergency Tracking Reports. See: <http://iraqdtm.iom.int/IdpMovements#Camp>

63 IOM Iraq (2021). DTM Master List Dataset (121). See: <http://iraqdtm.iom.int/MasterList>

64 Iraq Camp Coordination and Camp Management Cluster (2021). Camp Master List and Population Flow: May 2021. To access, contact the cluster and request this dataset. Refer to: <https://www.humanitarianresponse.info/en/operations/iraq/camp-coordination-management-ccc>

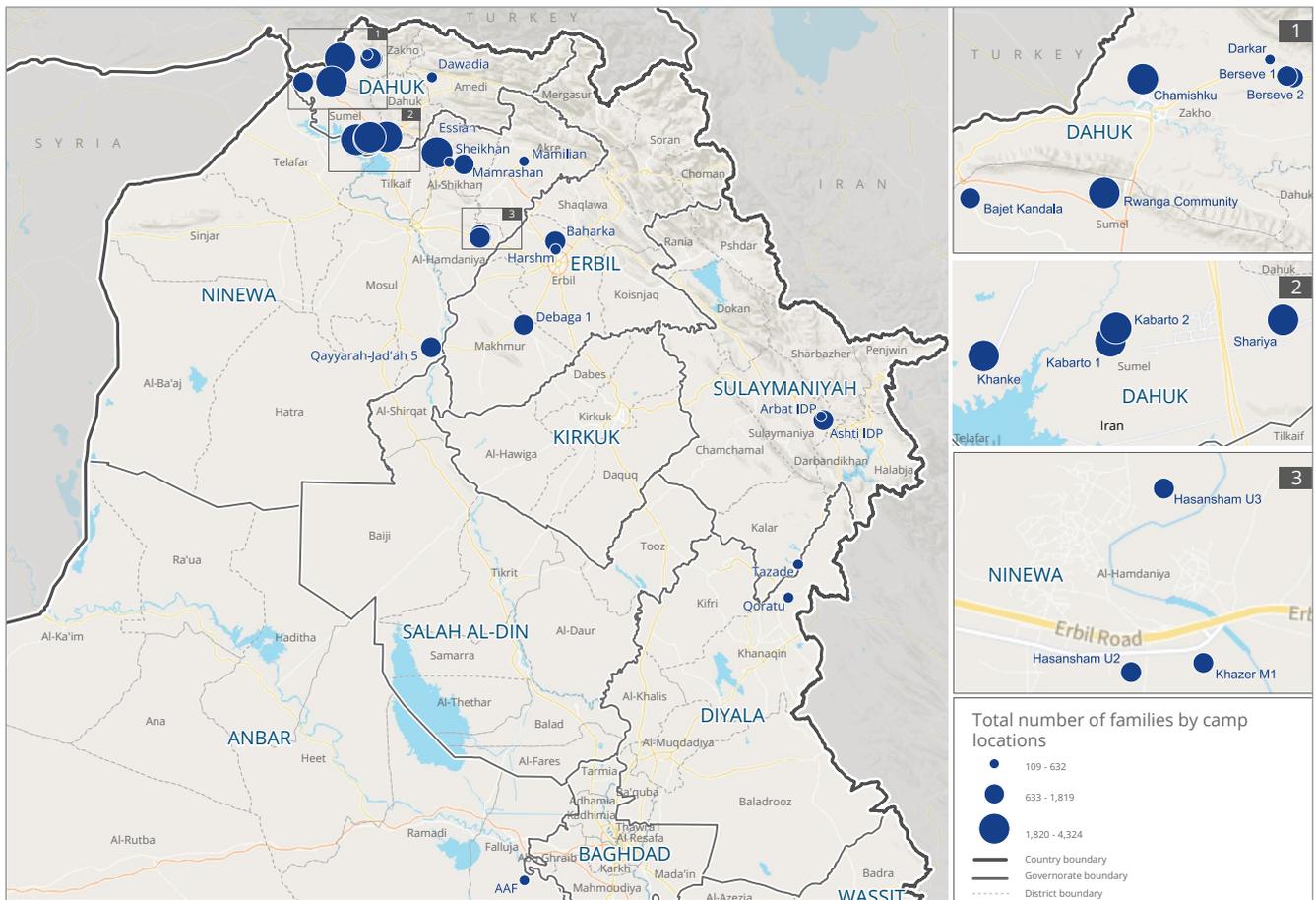
Table 2: List of remaining IDP camps (as of April 2021)

GOVERNORATE	DISTRICT	SUB-DISTRICT	CAMP NAME	NUMBER OF HOUSEHOLDS
Al-Anbar	Al-Falluja	Al-Amirya	AAF	549
Dahuk	Zakho	Dercar	Berseve 1	1,027
Dahuk	Zakho	Dercar	Berseve 2	1,415
Dahuk	Zakho	Dercar	Chamishku	4,324
Dahuk	Zakho	Dercar	Darkar	632
Dahuk	Al-Amadiya	Sarsink	Dawadia	503
Ninewa	Aqra	Gerdaseen	Mamilian	172
Dahuk	Sumail	Sindi	Kabarto 2	2,262
Dahuk	Sumail	Sindi	Khanke	2,690
Dahuk	Sumail	Al-Selvani	Bajet Kandala	1,682
Dahuk	Sumail	Al-Selvani	Rwanga Community	2,452
Dahuk	Sumail	Sindi	Shariya	2,306
Dahuk	Sumail	Sindi	Kabarto 1	2,324
Diyala	Khanaqin	Qaratu	Qoratu	109
Erbil	Erbil	Markaz Erbil Centre	Baharka	920
Erbil	Erbil	Markaz Erbil Centre	Harshm	283
Erbil	Makhmour	Dibaga	Debaga 1	1,421
Ninewa	Al-Shikhan	Markaz Sheikhan	Essian	2,511
Ninewa	Al-Shikhan	Markaz Sheikhan	Mamrashan	1,508
Ninewa	Al-Shikhan	Markaz Sheikhan	Sheikhan	632
Ninewa	Al-Hamdaniya	Markaz Al-Hamdaniya	Hasansham U2	892
Ninewa	Al-Hamdaniya	Markaz Al-Hamdaniya	Hasansham U3	1,277
Ninewa	Al-Hamdaniya	Markaz Al-Hamdaniya	Khazer M1	1,073
Ninewa	Al-Mosul	Al-Qayara	Qayyarah-Jad'ah 5	1,353
Al-Sulaymaniyah	Kalar	Markaz Kalar	Tazade	193
Al-Sulaymaniyah	Al-Sulaymaniyah	Qaradagh	Arbat IDP	291
Al-Sulaymaniyah	Al-Sulaymaniyah	Qaradagh	Ashti IDP	1,819
<b>Total</b>				<b>36,620</b>

The distribution of all camps across the country are also displayed in Map 4 below.<sup>65</sup>

65 IOM Iraq (2021). DTM Master List Dataset (121). See: <http://iraqdtm.iom.int/MasterList>

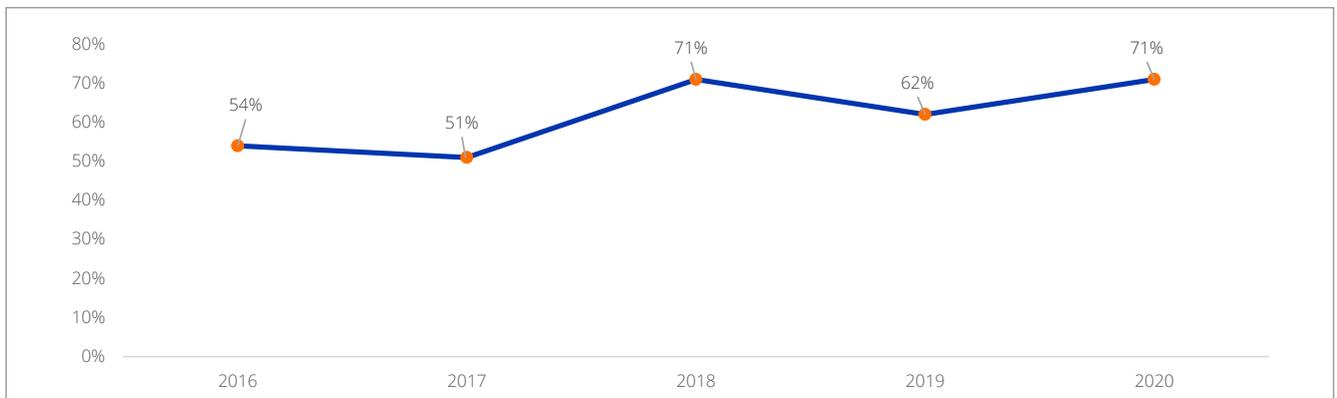
Map 4: Distribution of IDP families in camps (as of April 2021)



Additionally, the adequacy of housing in locations of return represents a significant barrier to achieving durable solutions amongst families who are in displacement. For example, IDPs intending to return to their location of origin are often prevented from doing so due to substantial damage sustained to their pre-displacement houses. This is reflected in IOM's

ILA 2020, with housing damage/destruction reported as a challenge to returning IDPs by 71 per cent of IDPs families, making it the most commonly reported return barrier in 2020.<sup>66</sup> As displayed in Figure 8 below, this issue has been a significant return barrier amongst IDPs since 2016.<sup>67</sup>

Figure 9: % of IDPs that cannot return home due to housing damage/destruction in their area of origin, 2016 to 2020



66 Damage and destruction to housing has also been one of the most commonly reported return barriers faced by IDPs since 2016. The following proportions of IDPs have lived in locations where Key Informants have reported this issue to be one of the main barriers to returning home: 2016 (54%), 2017 (51%), 2018 (71%), 2019 (62%) and 2020 (71%).

67 For a full overview of the different rates that IDPs face return barriers, refer to: IOM Iraq (2020). DTM Integrated Location Assessment 5 Dataset. See: <http://iraqdtm.iom.int/ILA5#Datasets>

In addition to IDPs facing return barriers related to HLP issues, families commonly face problems linked to inadequate housing upon returning to their area of origin. IOM's Return Index produces information on two key indicators relating to housing in return locations: the extent of residential destruction and, in cases where such destruction is widespread, the extent of residential reconstruction.<sup>68</sup>

Table 3 below displays the number and proportion of returnee households living in areas where residential destruction has taken place.<sup>69</sup> It also shows the number and proportion of returnee households who are living in locations where residential destruction has taken place, but where no residential reconstruction has taken place. Overall, 80 per cent of returnee households are living in locations where residential destruction has taken place.<sup>70</sup> The highest rates of residential destruction are observed in Anbar governorate, where almost all returnee households are living in locations where residential destruction is significant (97%), followed by Ninewa (82%) and Diyala (77%).<sup>71</sup> However, the highest actual number of returnee households living in areas

where residential destruction has taken place is in Ninewa governorate (260,400) – with the majority of this group residing in Mosul district (151,642), which sustained the highest level of destruction during the ISIL conflict between 2014 and 2017.<sup>72</sup>

Amongst households where residential destruction has taken place, there are varying rates in the proportion of this group where houses are not being reconstructed. Kirkuk features the highest proportion of returnee households living in locations where damaged housing is not being reconstructed (68%), while significant proportions are also recorded in Diyala (47%) and Ninewa (28%).<sup>73</sup> A full overview of the rates at which returnee households are living in locations where residential destruction and reconstruction has taken place is displayed in Table 3 below. It should be noted that households who are displaced in districts with high rates of residential destruction but now low rates of residential reconstruction are likely to be facing challenges with achieving safe and sustainable housing options.

**Table 3: Returnee households living in locations where residential destruction has taken place and where reconstruction is not taking place**

	RETURNEE HOUSEHOLDS LIVING IN LOCATIONS WHERE RESIDENTIAL DESTRUCTION HAS TAKEN PLACE		RETURNEE HOUSEHOLDS LIVING IN LOCATIONS WHERE RESIDENTIAL RECONSTRUCTION IS NOT TAKING PLACE <sup>74</sup>	
	#	%	#	%
<b>Anbar</b>	242,641	97%	22,744	9%
Al-Ka'im	16,916	100%	3,147	19%
Al-Rutba	4,598	100%	3,481	76%
Ana	2,474	100%	1,424	58%
Falluja	87,908	97%	20	0%
Haditha	2,020	44%	1,210	60%
Heet	25,940	88%	13,462	52%
Ramadi	100,100	100%	-	0%
Ra'ua	2,685	100%	-	0%

68 In IOM Iraq's DTM Return Index, Key Informants are asked whether houses in the location are destroyed/damaged and are able to select from the following rates of destruction have taken place: more than half; about half; less than half; no destruction (they were never destroyed); and no destruction (they have all been reconstructed). In cases where any of the first three choices were selected, Key Informants were then asked if any of the destroyed houses been reconstructed or rehabilitated and are able to select from the following: yes, many; yes, a few; and none. For more information, refer to: IOM (2021). Return Index Methodology. See: <http://iraqdtm.iom.int/ReturnIndex#Methodology>

69 Locations classified as high or medium severity in the Return Index are where a lot or some residential destruction has taken place.

70 IOM Iraq (2021). DTM Return Index 12 Dataset. See: <http://iraqdtm.iom.int/ReturnIndex#Datasets>

71 Ibid.

72 Ibid.

73 Ibid.

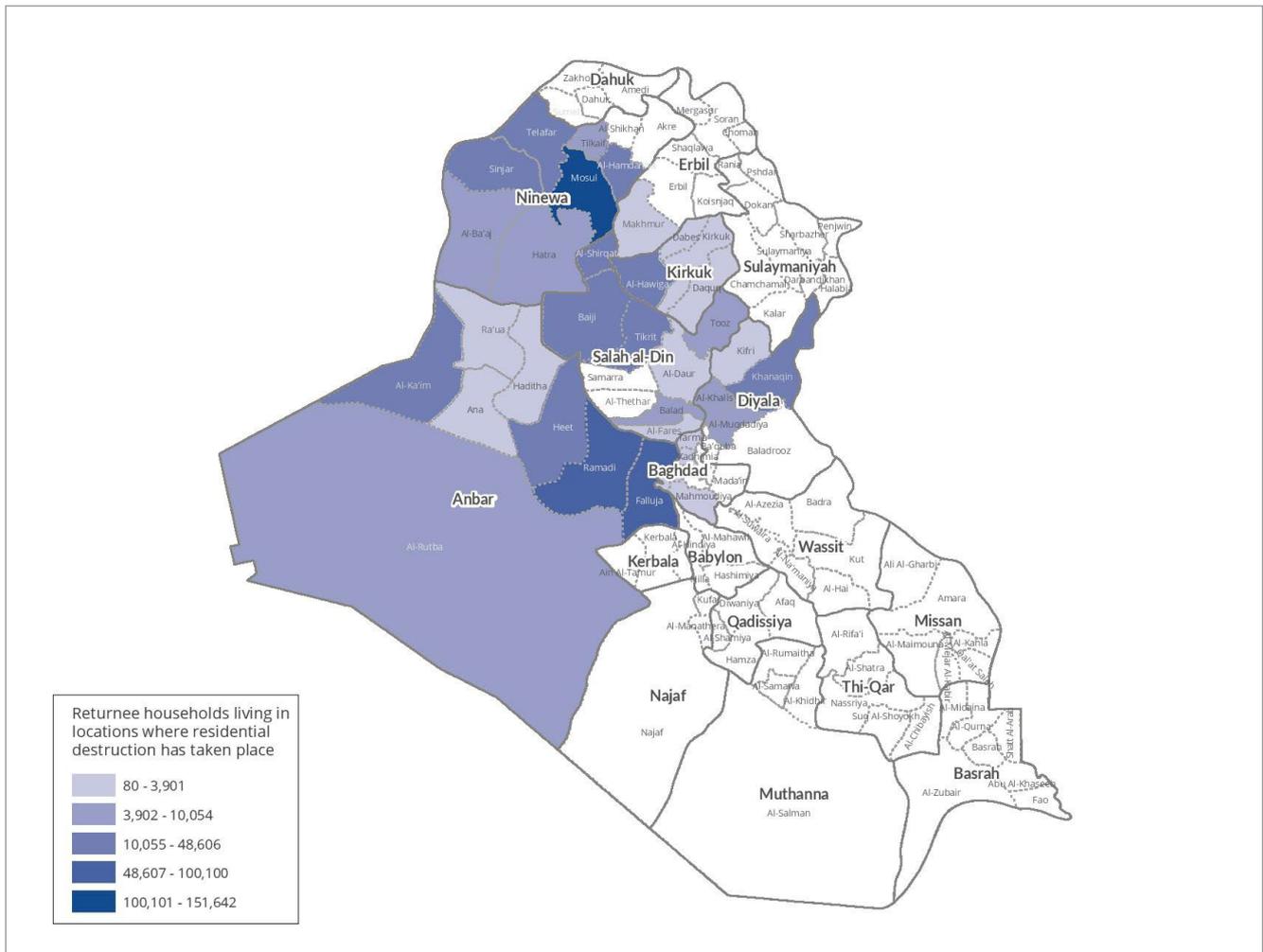
74 These two columns relate to the subset of returnees who are living in locations where residential destruction has taken place.

	RETURNEE HOUSEHOLDS LIVING IN LOCATIONS WHERE RESIDENTIAL DESTRUCTION HAS TAKEN PLACE		RETURNEE HOUSEHOLDS LIVING IN LOCATIONS WHERE RESIDENTIAL RECONSTRUCTION IS NOT TAKING PLACE <sup>74</sup>	
<b>Baghdad</b>	8,926	59%	790	9%
Abu Ghraib	3,901	100%	-	0%
Kadhimia	552	43%	-	0%
Mahmoudiya	3,377	41%	790	23%
Tarmia	1,096	61%	-	0%
<b>Diyala</b>	30,576	77%	14,453	47%
Al-Khalis	5,622	45%	378	7%
Al-Muqdadiya	8,040	81%	4,835	60%
Khanaqin	16,694	99%	9,240	55%
Kifri	220	100%	-	0%
<b>Erbil</b>	3,258	36%	-	0%
Makhmur	3,258	36%	-	0%
<b>Kirkuk</b>	21,989	38%	15,010	68%
Al-Hawiga	20,842	74%	14,244	68%
Dabes	80	7%	-	0%
Daquq	741	25%	616	83%
Kirkuk	326	1%	150	46%
<b>Ninewa</b>	260,400	82%	72,936	28%
Al-Ba'aj	8,548	96%	2,553	30%
Al-Hamdaniya	16,606	59%	735	4%
Hatra	5,901	72%	222	4%
Mosul	151,642	86%	50,010	33%
Sinjar	19,043	96%	13,565	71%
Telafar	48,606	82%	2,584	5%
Tilkaif	10,054	59%	3,267	32%
<b>Salah al-Din</b>	80,880	68%	10,478	13%
Al-Daur	2,826	28%	2,826	100%
Al-Fares	1,005	48%	487	48%
Al-Shirqat	27,086	100%	-	0%
Baiji	15,563	78%	1,728	11%
Balad	9,074	79%	566	6%
Tikrit	20,687	71%	4,008	19%
Tuz	4,639	53%	863	19%

Map 5 below shows the varying rates at which returnee households are living in locations where residential destruction has taken place across all districts of return.<sup>75</sup>

<sup>75</sup> IOM Iraq (2021). DTM Return Index 12 Dataset. See: <http://iraqdtm.iom.int/ReturnIndex#Datasets>

Map 5: Number of returnee households living in locations where residential destruction has taken place

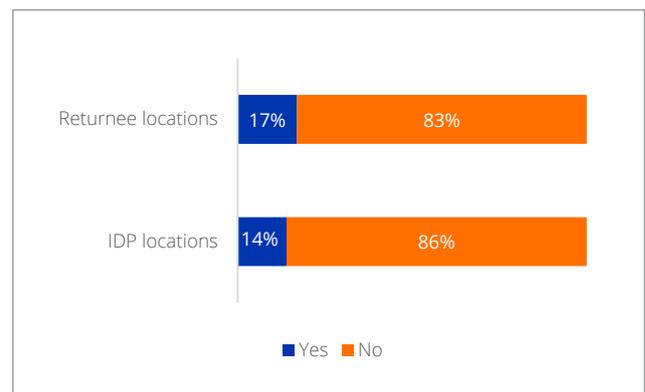


**PINHEIRO PRINCIPLE 7: THE RIGHT TO FREEDOM OF MOVEMENT**

The seventh overarching principle relates to the everyone’s right to have freedom of movement. The Pinheiro Handbook highlights the two main dimensions to this principle: the right to remain within a territory, and the right to remain free of being forced to move from a territory. An additional issue that is particularly relevant in Iraq is the issue of returns being blocked by security authorities, which can take place at any point in families’ attempts at returning home. These dimensions are covered with different indicators below.

IOM’s ILA 2020 covered the extent to which IDPs and returnees do not enjoy freedom of movement. Across the country, the proportion of locations where IDP and returnee households face movement restrictions are similar, at 14 and 18 per cent respectively.<sup>76</sup>

Figure 10: % of IDP and returnee locations where families face movement restrictions



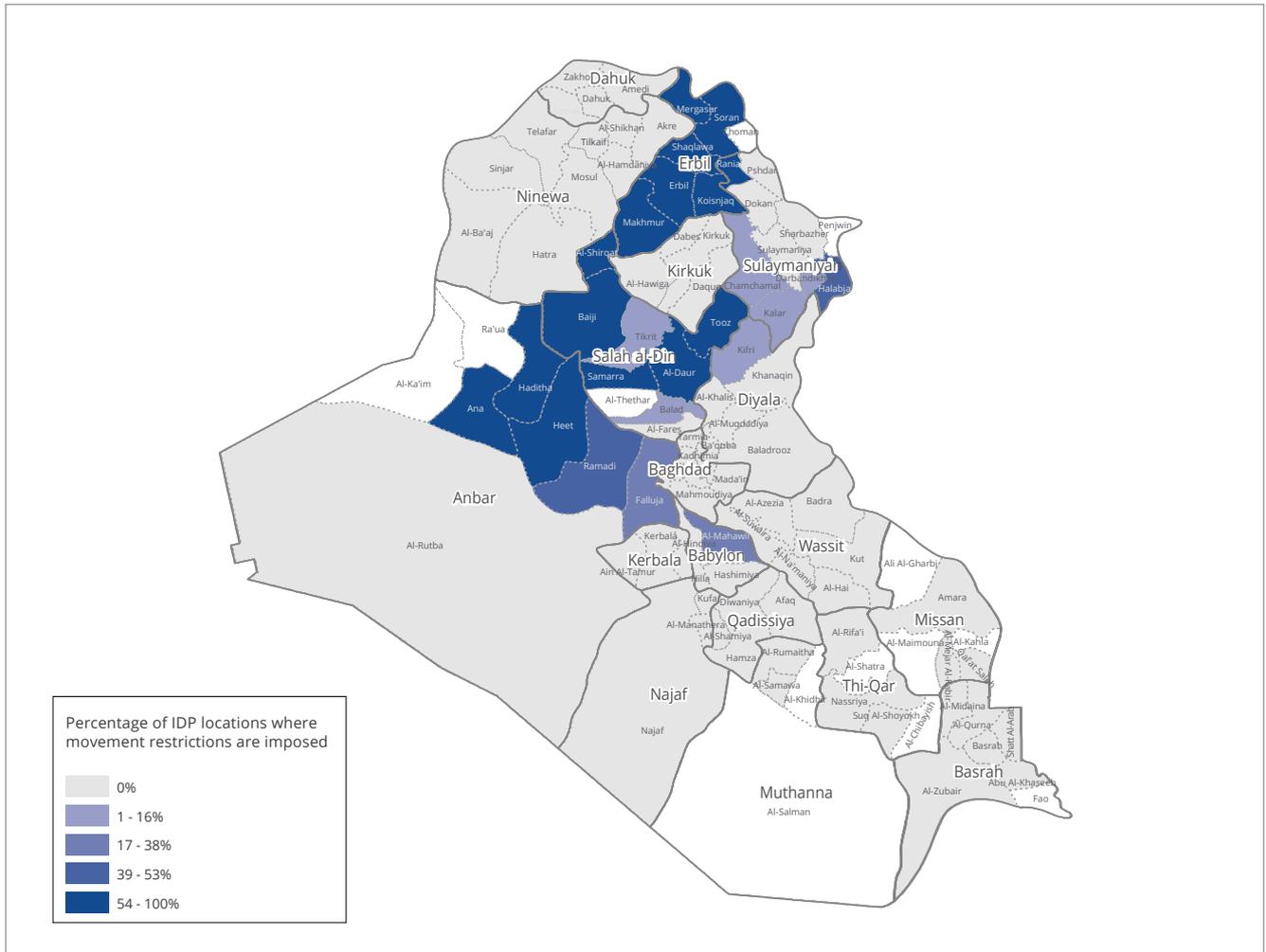
However, there is significant variation across districts where IDPs and returnees reside. Regarding IDPs, in 68 of the 94 districts in which families are displaced, there are

76 IOM Iraq (2020). DTM Integrated Location Assessment 5 Dataset. See: <http://iraqdtm.iom.int/ILA5#Datasets>

no locations in which families are restricted from moving around. By contrast, among 15 of the districts that do have movement restrictions, they are imposed in at least 90 per

cent of locations.<sup>77</sup> These hotspots are displayed in Map 6 below.

Map 6: % of IDP locations where movement restrictions are imposed



A similar situation can be observed in the locations in which returnees reside. In 15 of the country's 38 locations to which returnees have arrived, no movement restrictions are imposed.<sup>78</sup> However, in 10 of the districts with movement restrictions, they are imposed in at least 60 per cent of

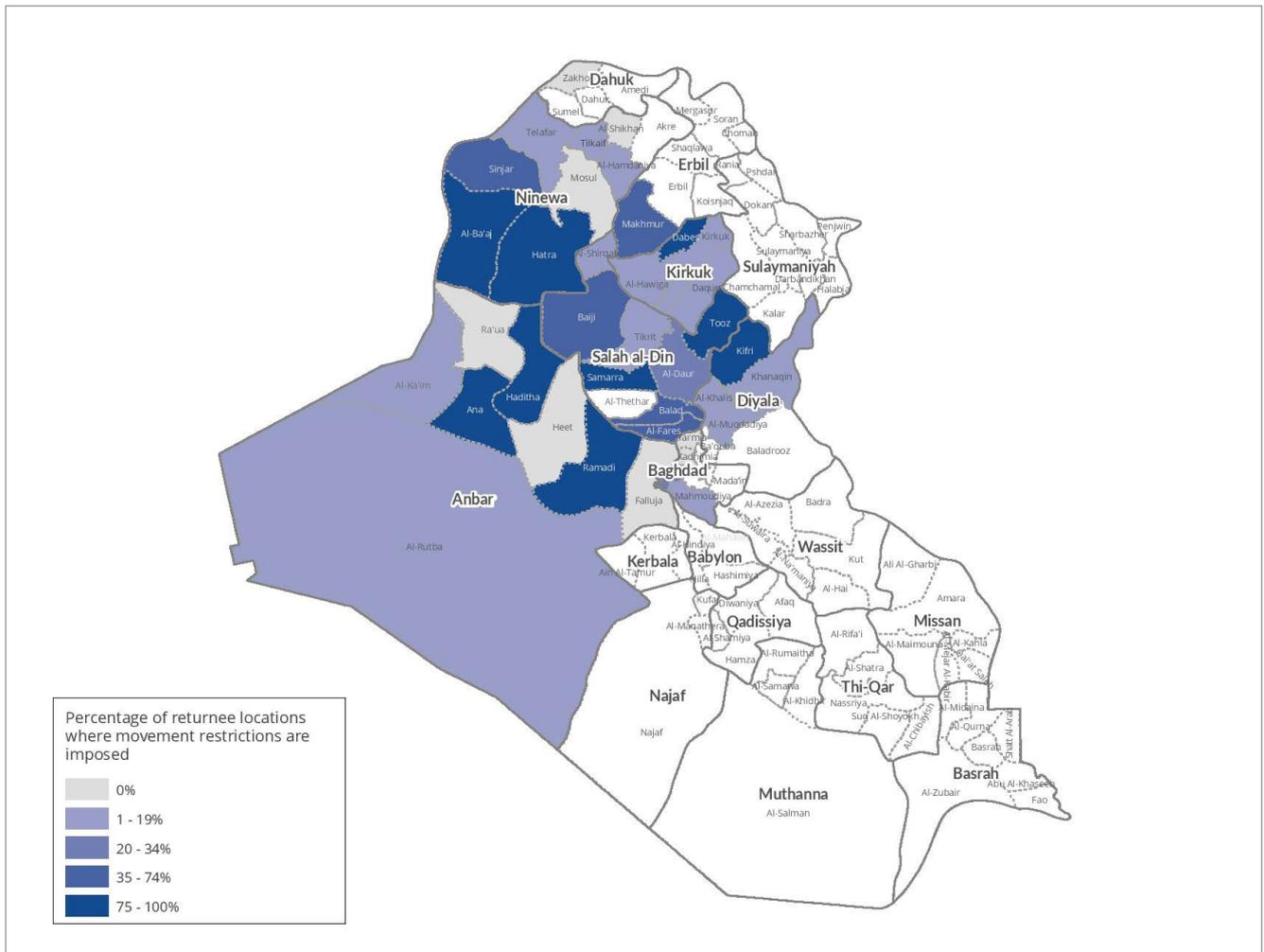
locations in which returnee families are living, with such restrictions imposed in all locations within five districts: Ana, Ana, Heet, Haditha, Ra'ua and Al-Daur.<sup>79</sup> Refer to Map 7 below.

77 For a full overview of the proportion of locations in each district where movement restrictions are imposed, refer to: IOM Iraq (2020). DTM Integrated Location Assessment 5 Dataset. See: <http://iraqdtm.iom.int/ILA5#Datasets>.

78 IOM Iraq (2020). DTM Integrated Location Assessment 5 Dataset. See: <http://iraqdtm.iom.int/ILA5#Datasets>.

79 Ibid.

Map 7: % of return locations where movement restrictions are imposed



Another challenge faced by IDPs in displacement settings relates to fears of being forcibly relocated or evicted from their location of displacement. While this is a minor problem expressed in locations of displacement across the country (<1% of all locations), fears of being forcibly relocated or evicted is reported in around one in ten locations (11%) in Ninewa governorate's Sinjar district. This is the only district in which this problem is reported.

### Blocked returns

Across the country, families have commonly been blocked from returning to their area of origin. Returns are often blocked by military or security forces, with enforcement

commonly on the grounds that IDPs do not possess the necessary documentation in order to leave the location in which they are displaced, or re-enter their area of origin.<sup>80</sup> Additionally, blocked returns are sometimes imposed by tribal leaders in cases where displaced families are suspected of ISIL affiliation by those in their area of origin. As well, in some instances, certain groups are blocked from returning home while others are simultaneously allowed to return.<sup>81</sup>

Understanding the extent that blocked returns impinge on the rights of IDPs to enjoy freedom of movement is possible through observing data collected in locations of displacement as well as return. In IOM's ILA 2020, seven per cent of IDPs live in locations where blocked returns represent one of

80 A study conducted by IOM into the different types of return barriers allows for an understanding of the extent that blocked returns prevent families from achieving a durable solution, along with an overview of the other main types of barriers faced. Refer to: IOM Iraq (2021). Protracted Displacement in Iraq: Revisiting Categories of Return Barriers. See: <https://iraq.iom.int/publications/protracted-displacement-iraq-revisiting-categories-return-barriers>

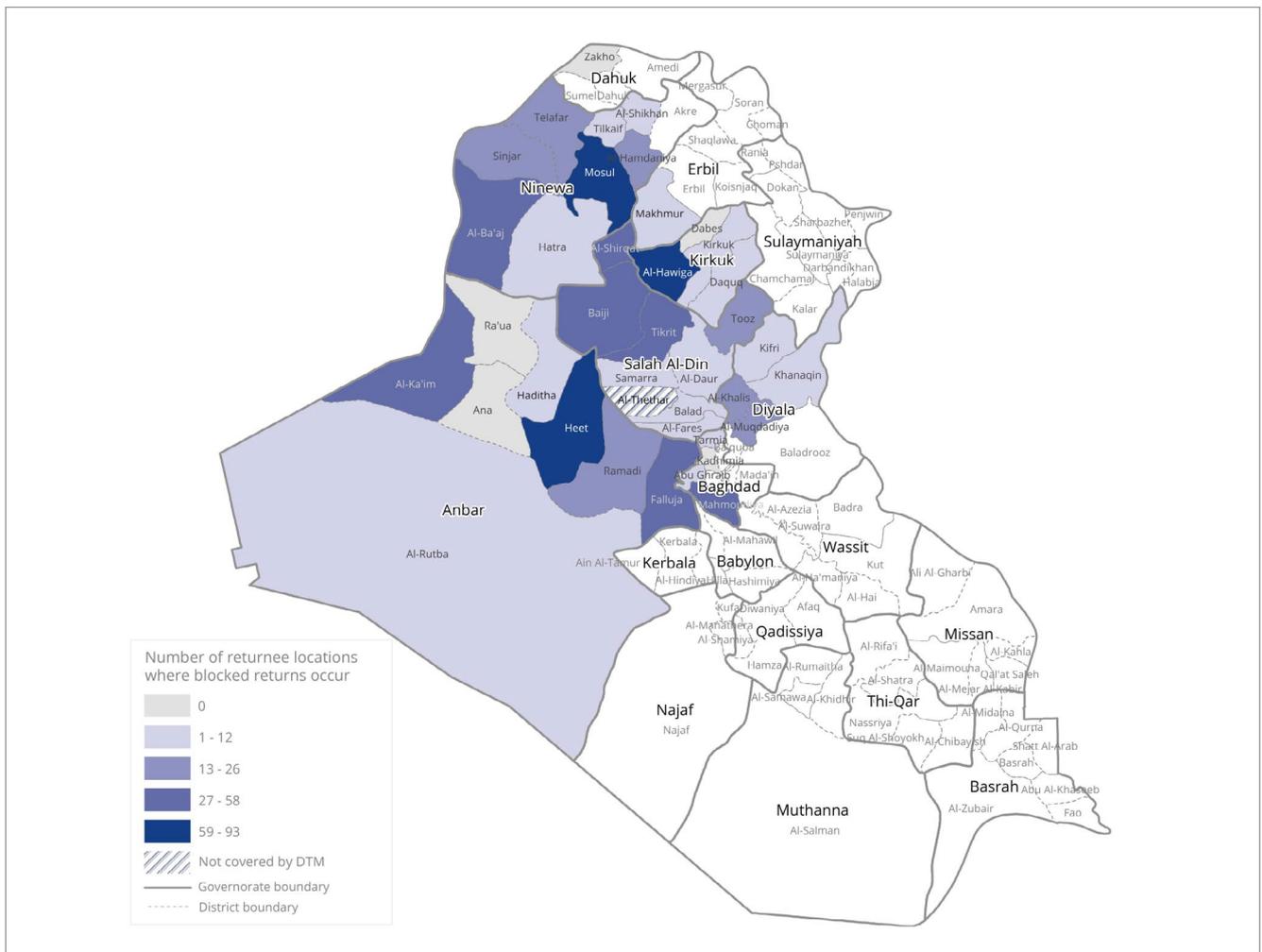
81 Human Rights Watch (2020). Kurdistan Region of Iraq: Arabs Blocked from Returning. See: <https://www.hrw.org/news/2020/07/19/kurdistan-region-iraq-arabs-blocked-returning>

the main barriers to returning home.<sup>82</sup> The highest rate at which IDPs face this barrier is in Babylon governorate, where 1,399 families (99%) are reported as facing blocked returns. Otherwise, the highest number of IDP families facing this barrier is in Sulaymaniyah (3,383; 15% of the governorate's caseload), followed by Ninewa (2,010; 7%).

Data collected in return locations also highlights the extent of blocked returns across the country. IOM's Return Index collects information on the prevalence of displaced families being blocked from returning.<sup>83</sup> Across the country, a high prevalence of blocked returns are reported in 23 return

locations (1%), which are mostly in Ninewa (13), especially in the districts of Al-Ba'aj (5), Al-Hamdaniyah (3) and Mosul (3). The remaining return locations where blocked returns take place are in Salah al-Din governorate (10 locations), mainly in Baiji (3), Al-Fares (2), Tikrit (2) and Tuz (2). Map 5 below displays the number of locations within the eight governorates of returnees where 'many' or 'some' families have been blocked from returning to. Districts with the highest number of locations where blocked returns occur include Mosul (93; 25%), Al-Hawiga (63, 43%) and Heet (65; 98%).<sup>84</sup>

Map 8: Number of return locations within districts where families are blocked from returning



82 IOM Iraq (2020). DTM Integrated Location Assessment 5 Dataset. See: <http://iraqdtm.iom.int/ILA5#Datasets>

83 In the Return Index, Key Informants are asked if there are displaced families from return locations who are not allowed to return (due to rules or actions imposed by security forces, the community, or other local authorities), and could select from the following options: yes, many; yes, a few; no, none. Refer to: IOM (2021): Return Index Methodology. See: <http://iraqdtm.iom.int/ReturnIndex#Methodology>

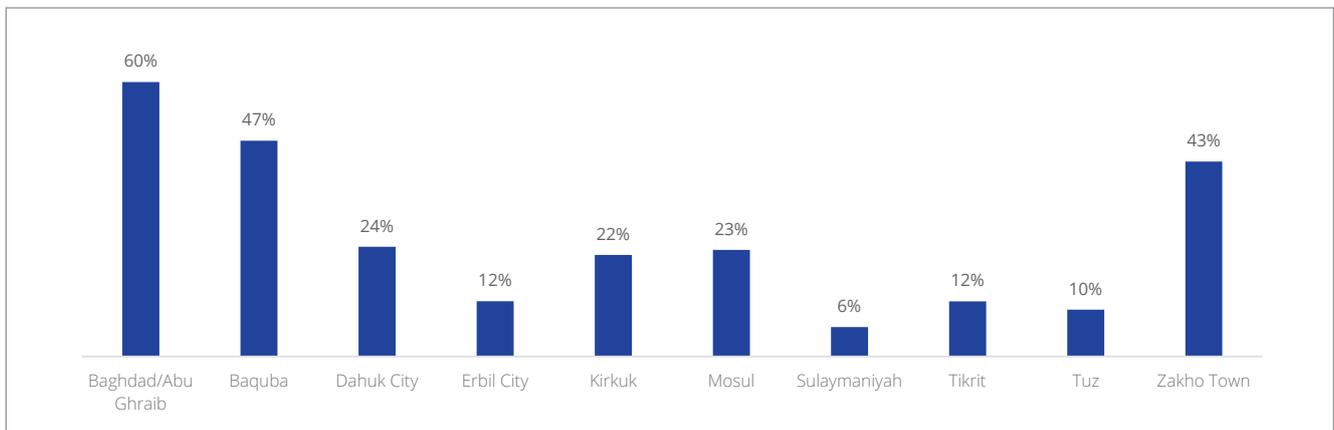
84 IOM Iraq (2021). DTM Return Index 12 Dataset. See: <http://iraqdtm.iom.int/ReturnIndex>

## PINHEIRO PRINCIPLE 8: THE RIGHT TO VOLUNTARY RETURN IN SAFETY AND DIGNITY

The eighth Pinheiro Principle relates to the right for all IDPs to return in safety and dignity. The Handbook identifies that for IDPs to return home and re-settle in a way that is safe and dignified, returns must be voluntary and based on a free and informed choice. This means that up-to-date and accurate information needs to be made available to IDPs regarding the physical, legal and safety issues in their area of origin. Observing data collected amongst IDPs who are considering returning home can assist in understanding the extent that this important right is upheld across the country.<sup>85</sup>

Data from IOM's Urban Displacement study in 2020 covers the varying rates at which out-of-camp IDP households – who compose 85 per cent of the country's IDP caseload – report having sufficient information regarding the situation in their area of origin to make an informed decision on returning. As displayed in Figure 11 below, the rates at which urban IDPs do not have a sufficient level of information varies significantly across the main cities in which they are displaced.<sup>86</sup> The highest rates of IDPs facing this problem are in Baghdad/Abu Ghraib (60%), followed by Ba'quba (47%) and Zakho (43%).

Figure 11: % of urban IDPs that do not have a sufficient level of information regarding their area of origin to take a decision on whether to return



Additionally, in the same urban displacement study, IDP households who have insufficient levels of information in order to make an informed decision regarding returning home also indicated why this was the case. Overall, the most common problem across cities relates to challenges accessing information, especially in Kirkuk (74%), followed by

not trusting the information they receive which was reported at notably high rates in Tikrit (61%) and Mosul (56%).<sup>87,88</sup> Refer to Figure 11 below for a full overview of the rates that IDP households face different problems related to accessing information regarding their place of origin.

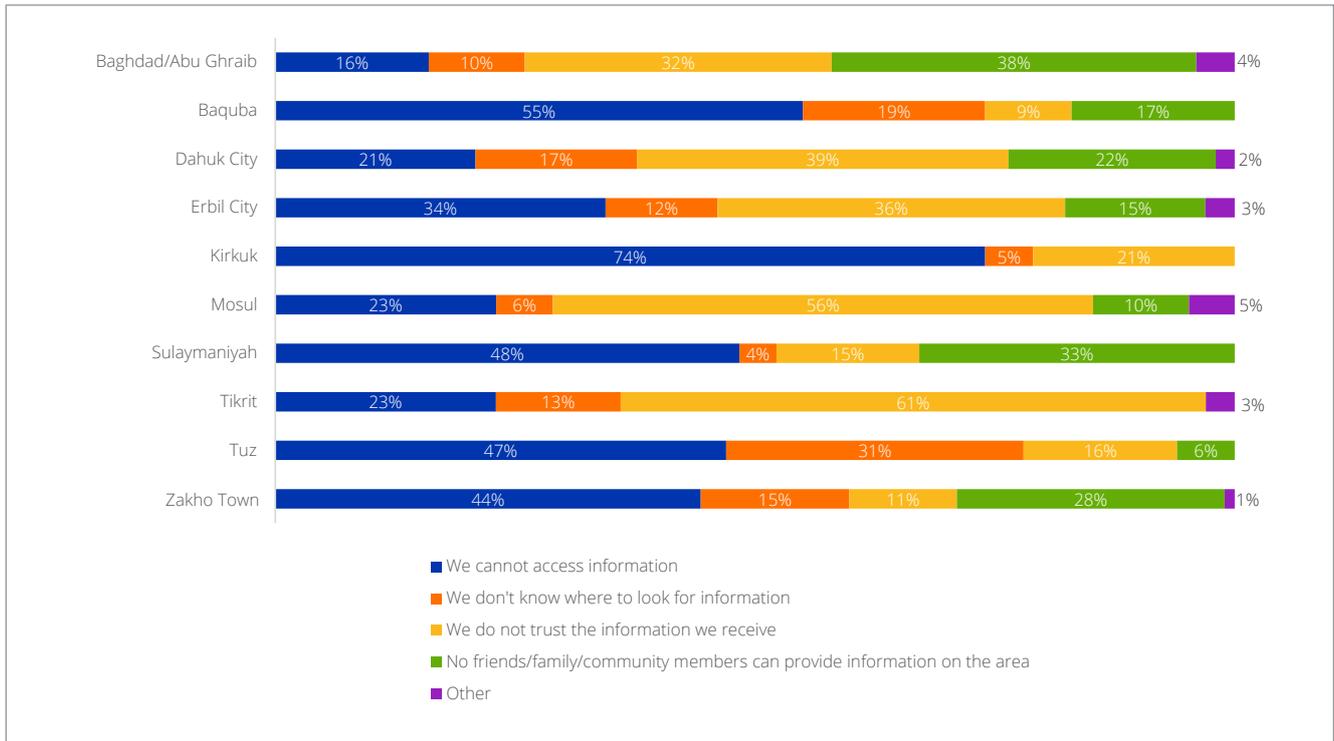
85 In REACH's MCNA 2020, only six per cent of all IDP households reported intending to return home in the 12 months following August 2020. The remaining IDPs reported intending to stay in their current location (57%) or move to a different location within their current area (17%), with minimal numbers intending to either move abroad (1%) or to another location within Iraq (<1%). Refer to: REACH (2020). MCNA 2020 Dataset. See: <https://www.reachresourcecentre.info/country/iraq/cycle/28380/#cycle-28380>

86 IOM Iraq (2021). DTM Urban Displacement in Iraq: Overview. See: <http://iraqdtm.iom.int/DurableSolutions/ProtractedDisplacement>

87 Note that the figures displayed here and in Figure 12 relate to the subset of IDPs who reported not having an insufficient level of information regarding their area of origin.

88 IOM Iraq (2021). DTM Urban Displacement in Iraq: Overview. See: <http://iraqdtm.iom.int/DurableSolutions/ProtractedDisplacement>

Figure 12: % of IDP households reporting different reasons for having insufficient information regarding their place of origin



The same IOM Urban Displacement study also collected information on the proportion of IDPs in each city who originate from different districts. Observing urban settings with a homogenous population – that is, cities where the IDP population come from a small number of districts only – can assist in understanding where the problems relating to accessing information referred to above are more likely to be experienced.

As displayed in Table 4 below, only a small number of urban settings are homogenous. The most homogenous urban setting of displacement is Tuz in Salah al-Din governorate (where 94% originate from within the wider district of Tuz), Tikrit in Salah al-Din (where 74% originate from Baiji), as well as Zakho in Dahuk governorate (where 55% originate from Sinjar).<sup>89</sup>

As such, in cases where IDPs originate from a small number of districts, the reasons why they cannot access information (as referred to in Figure 11 above) are likely specific to these districts. For example, IDPs from Tuz reported the main reasons for having insufficient information as not being able to access it or not knowing where to look for it. Since almost all IDPs in Tuz originate from within the same district, it is likely that the problems IDPs in this city face in relation to accessing information relate specifically to the main district from which they originate (Tuz). The same principle applies to all other homogenous districts listed in Table 5 below.

89 IOM Iraq (2021). DTM Urban Displacement in Iraq: Overview. See: <http://iraqdtm.iom.int/DurableSolutions/ProtractedDisplacement>

Table 5: Main districts of origin amongst IDPs in urban settings

Urban settings of displacement	Baghdad/ Abu Ghraib	Baquba	Dahuk	Erbil	Kirkuk	Mosul	Sulaymaniyah	Tikrit	Tuz	Zakho
Top 3 districts of origin per urban setting of displacement	Falluja (38%)	Al-Muqdadiya (32%)	Mosul (45%)	Mosul (25%)	Al-Hawiga (43%)	Mosul (39%)	Ramadi (11%)	Baiji (74%)	Tuz (94%)	Sinjar (55%)
	Ramadi (14%)	Khanaqin (31%)	Sinjar (45%)	Al-Hamdaniya (13%)	Tuz (15%)	Sinjar (26%)	Ba'quba (8%)	Tikrit (4%)	Al-Khalis (2%)	Telafar (22%)
	Al-Ka'im (8%)	Al-Khalis (15%)	Telafar (4%)	Baiji (8%)	Baiji (7%)	Telafar (24%)	Al-Musayab & Balad (7% each)	Balad (3%)	Tikrit & Al-Hawiga (1% each)	Mosul (20%)

### ADDITIONAL PRINCIPLE 1: THE RIGHT TO HLP RECORDS AND DOCUMENTATION

The first additional principle relates to the rights of all IDPs to property records and documentation. This principle is relevant in the context of Iraq, with the widespread lack of adequate legal documentation posing challenges for families intending to return to their pre-displacement home. A high number of families do not possess documentation due to it having become lost or destroyed during their displacement, while in other cases families possess invalid documentation that was produced in areas occupied by ISIL between 2014 and 2017.<sup>90</sup> Families who do not possess or never had this critical documentation commonly face problems with proving ownership of their pre-displacement houses, which can have ramifications on overcoming cases of unlawful secondary occupations and re-claiming their homes. It can also pose challenges for families when applying for compensation via the government's compensation scheme.<sup>91</sup>

Several data sources can assist in understanding the types of challenges faced by IDPs and returnees regarding HLP documentation. Indicators relate to rates of access and possession of documentation, and how this varies according to IDPs' living arrangements prior to becoming displaced. In MCNA 2020, just over half of all surveyed IDP households reported not possessing HLP documentation (54%).<sup>92</sup> Significantly above-average proportions of households reported this problem in Ninewa's district of Al-Shikhan (94%), Dahuk governorate's districts of Al-Hamdaniya (92%) and Zakho (90%), as well as Sulaymaniya's districts of Dokan (92%) and A-Halabja (87%).<sup>93</sup>

Additionally, IOM's Urban Displacement study explored whether IDP households own a house in their area of origin, as well how rates of possessing HLP documentation vary according to their housing situation. As displayed in Figure 12 below, rates of house ownership amongst IDPs varies significantly across the cities in which they are displaced. IDP households in the cities of Zakho, Kirkuk and Dahuk are more likely to own a house in their area of origin (at respectively 81%, 75% and 74%).

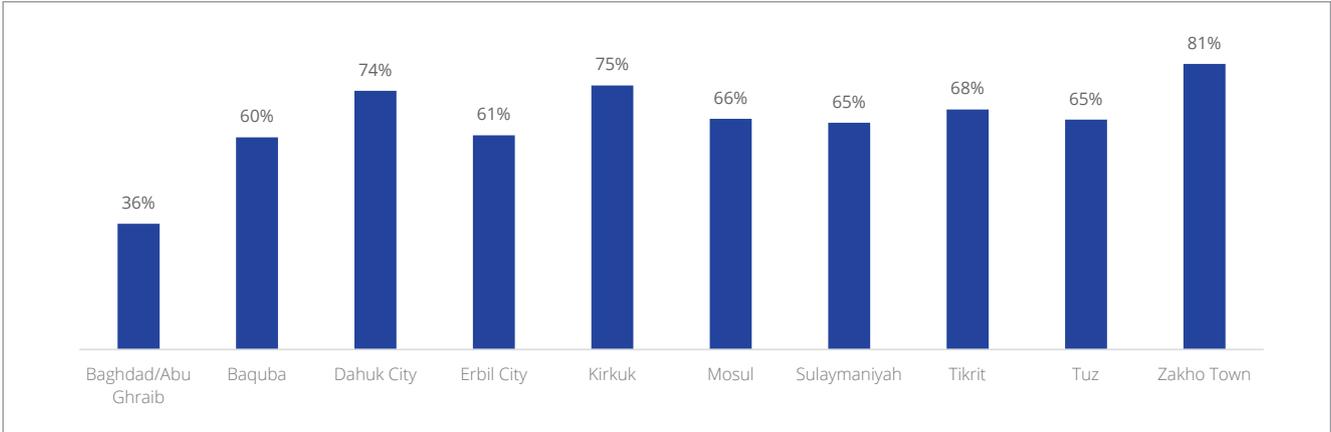
90 REACH (2020). Civil Documentation and Housing, Land and Property Needs in Iraq Report. See: [https://www.impact-repository.org/document/reach/55c300b3/REACH\\_IRQ\\_Protection\\_factsheet\\_combined\\_01062020.pdf](https://www.impact-repository.org/document/reach/55c300b3/REACH_IRQ_Protection_factsheet_combined_01062020.pdf)

91 The name of the compensation scheme is the Iraqi Central Committee for Compensating the Affected Due to War Operations, Military Mistakes, and Terrorist Operations, also known as the Central Compensation Committee (CCA). For more information, refer to: HLP Sub-Cluster Iraq (March 2020). Property Compensation Guidelines. Based on Iraqi Law 20, 2009 and Law 57, 2015 (first amendment) and Law 2 of 2020 (second amendment). See: [https://reliefweb.int/sites/reliefweb.int/files/resources/property\\_compensation\\_guidelines\\_amended.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/property_compensation_guidelines_amended.pdf)

92 REACH (2020). MCNA 2020 Dataset. See: <https://www.reachresourcecentre.info/country/iraq/cycle/28380/#cycle-28380>

93 Ibid.

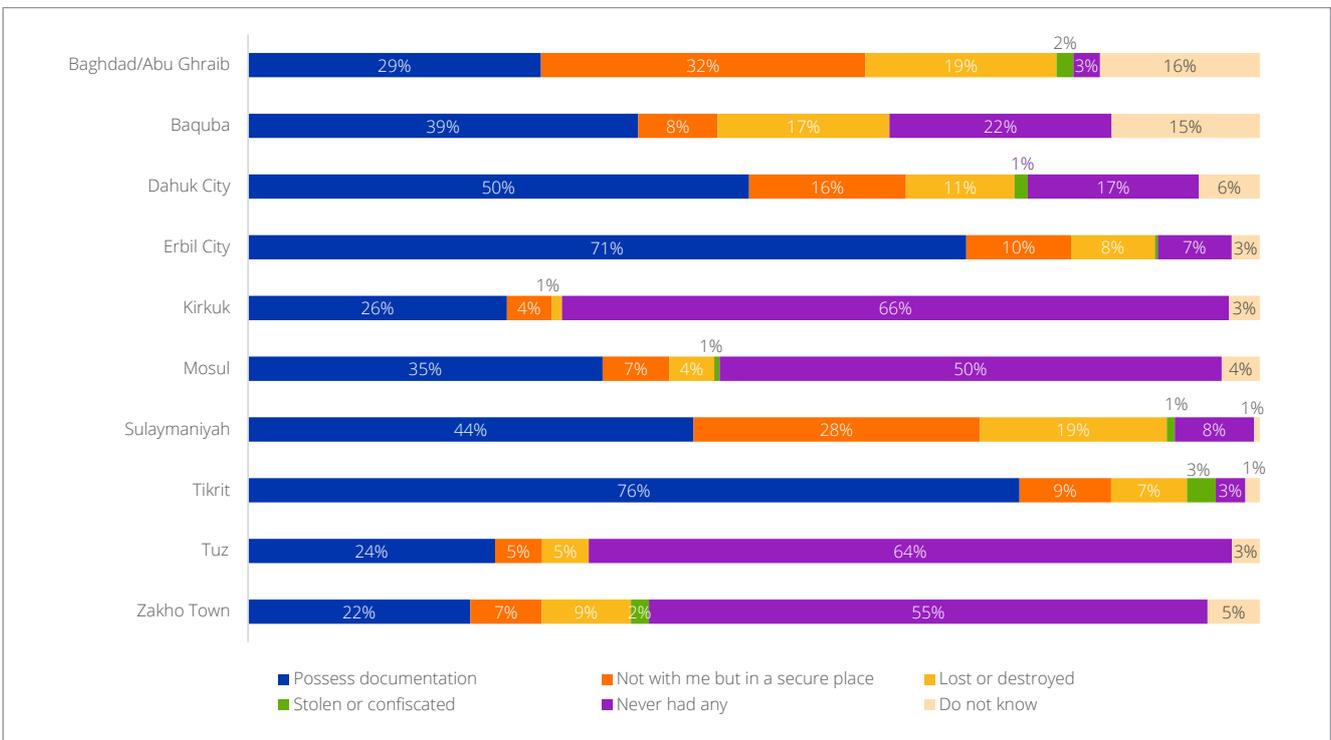
Figure 13: % of IDP households displaced in cities who own a house in their area of origin



Additionally, IDP households who own a house in their area of origin indicated whether they possess housing documentation. Rates of possessing adequate documentation were the highest in Erbil (71%) and Tikrit (76%), contrasting with low rates of possession in Zakho (22%) and Tuz (22%).<sup>94</sup> Notably significant proportions of

IDP households reported never having had any housing documentation in Kirkuk (66%), Tuz (64%) and Zakho (55%). Otherwise, around one in five IDP households in Baghdad/ Abu Ghraib (19%), Sulaymaniyah (19%) and Baquba (17%) reported that their documentation has become lost or destroyed.

Figure 14: % of IDP households displaced in cities with different statuses of housing documentation possession



<sup>94</sup> Note that the data presented here relates to the subset of IDP households in each city who reported owning a house. Refer to Figure 12 above to see the proportion of households in each city who own a house.

## ADDITIONAL PRINCIPLE 2: THE RIGHT TO ACCESS COMPENSATION AND RESTITUTION

Since 2018, Iraqi citizens have been able to apply for compensation for ISIL-related damage, including that sustained to IDPs' pre-displacement houses and property. Since the establishment of the government's scheme through the creation of the Central Compensation Committees, the submission of claims has been relatively low, owing to limited levels of awareness of the scheme amongst those affected by displacement.<sup>95</sup> Long delays on claims processes have also led to the slow distribution of compensation payments.<sup>96</sup>

A panel study conducted by IOM and Georgetown University between 2016 and 2020 sought to understand

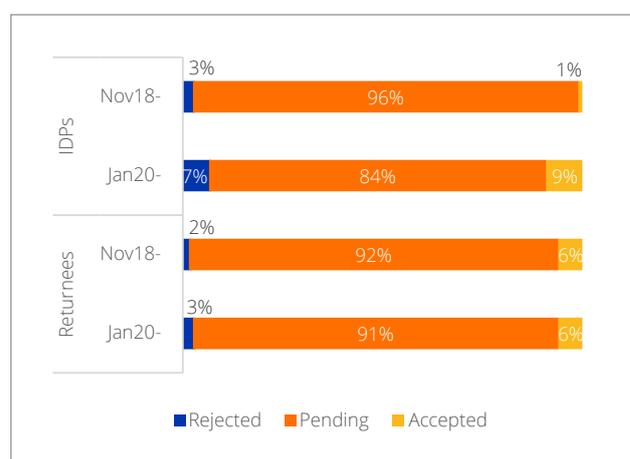
the experiences of IDPs and returnees with applying for compensation through the government's schemes. Some key indicators from the study highlight the type of challenges faced by families in relation to the scheme. The first relates to the notional relationship between families' awareness of the compensation committees who administer the scheme and the rates of applications for compensation. As displayed in Table 6 below, there appears to be a relationship between growing awareness of the compensation scheme and rising numbers of applications, among both IDP and returnee families. Between May 2016 and January 2020, the level of knowledge of the availability of compensation schemes grew significantly for IDPs (from 9% to 70%) and returnees (from 11% and 81%).

Table 6: % of households reporting awareness of compensation schemes and rates of application submissions

	POPULATION GROUP	MAY 2016	SEPTEMBER 2017	NOVEMBER 2018	JANUARY 2020
Knowledge of scheme/ compensation committees	IDPs	9%	-	-	70%
	Returnees	11%	-	-	81%
Applied for compensation <sup>97</sup>	IDPs	-	27%	49%	59%
	Returnees	-	23%	54%	64%

The IOM-Georgetown panel study also produced information on the success of applications for compensation among IDPs and returnees. Despite a significant rise in the number of applications to the compensation schemes, the broad majority of applicants were yet to receive notification they had been successful. While the proportion of IDPs' applications being successful rose between November 2018 (1%) to January 2020 (9%), the same proportion of returnees reporting application success remained the same (6%) during this period.

Figure 15: % of IDPs and returnees reporting the status of applications for housing damage compensation



<sup>95</sup> For more information about the Central Compensation Committees, refer to the property compensation guidelines. Refer to: Housing, Land and Property Sub-Cluster Iraq. Property Compensation Guidelines. Based on Iraqi Law 20, 2009. See: [https://reliefweb.int/sites/reliefweb.int/files/resources/property\\_compensation\\_guidelines\\_amended.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/property_compensation_guidelines_amended.pdf)

<sup>96</sup> IOM Iraq and Georgetown University (2020). Access to Durable Solutions Among IDPs in Iraq: Five Years in Displacement. See: <https://iraq.iom.int/publications/access-durable-solutions-among-idps-iraq-five-years-displacement>

<sup>97</sup> Note that all data displayed in this row relates to the subset of households who reported owning a house in their location of origin

IOM's Urban Displacement study also sought to understand whether IDP households in cities have applied for compensation via the government's scheme.<sup>98</sup> Across the 10 cities of interest, 44 per cent of IDP households reported having applied via the government's compensation and restitution scheme. A particularly significant proportion of

households residing in Baghdad/Abu Ghraib have applied via the scheme (66%), as well as those in the cities of Erbil (51%) and Kirkuk (49%). As presented in Table 7 below, families who owned one or more houses are most likely to have submitted an application via the scheme.

**Table 7: % of IDP households in cities reporting having applied for compensation/ restitution in their area of origin, by type of housing arrangement**

	RENTED SINGLE FAMILY HOUSE	RENTED MULTIPLE FAMILY HOUSE	OWNED SINGLE FAMILY HOUSE	OWNED MULTIPLE FAMILY HOUSE	LIVING WITH OTHER FAMILY MEMBERS (NOT PAYING RENT OR OWNING HOUSE)	ALL HOUSING ARRANGEMENTS (ALL IDPS)
Baghdad/Abu Ghraib	43%	0%	65%	90%	97%	66%
Baquba	41%	17%	40%	30%	23%	37%
Dahuk	33%	57%	36%	56%	63%	42%
Erbil City	32%	9%	65%	40%	0%	51%
Kirkuk	69%	0%	42%	61%	50%	49%
Mosul	41%	38%	40%	39%	39%	40%
Sulaymaniyah	37%	0%	31%	43%	11%	30%
Tikrit	26%	0%	37%	54%	25%	36%
Tuz	34%	0%	32%	14%	33%	18%
Zakho	25%	0%	44%	60%	13%	41%
<b>Total</b>	<b>38%</b>	<b>16%</b>	<b>48%</b>	<b>47%</b>	<b>35%</b>	<b>44%</b>

98 The Iraq HLP Sub-cluster chaired by UN-Habitat Iraq and NRC has produced detailed reports on the process related to filing a compensation claim. Refer to: HLP Sub-Cluster (2020). Property Compensation Guidelines Based on Iraqi Law 20, 2009 And Law 57, 2015 (First Amendment). [https://reliefweb.int/sites/reliefweb.int/files/resources/property\\_compensation\\_guidelines\\_amended.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/property_compensation_guidelines_amended.pdf) The challenges faced are detailed in Advocacy Note on Property Compensation Scheme in Iraq: Challenges & Recommendations.

## CONCLUSION

This report has examined the extent to which 10 rights-based principles – including eight from the Pinheiro framework and two additional – are being met amongst both IDP and returnee communities. A summary of the key findings under each principle are detailed below.

### SUMMARY: TO WHAT EXTENT ARE THE HLP RIGHTS OF IDPs AND RETURNEES BEING MET IN IRAQ?

Since the data presented in this report was collected across multiple assessments by different agencies, each employing different surveys and methodologies, it is not possible to rank the different principles in terms of the extent they are being met across the country. However, summarizing the findings under each principle can provide a general overview of which rights are being met more so than others.

- Pinheiro Principle 1: The right to non-discrimination.** While it is not possible to determine the extent that this right is being met amongst returnees, data from the ILA 2020 suggests that it is not a significant issue amongst the remaining IDPs across the country. Only a small proportion of IDPs – two per cent of the nation's caseload – live in locations where there is unequal access to rental housing. Notably, all of this group reside in Ninewa governorate's districts of Al-Hamdaniyah and Sinjar, with respectively 46 and 19 per cent of IDPs in these districts living in locations where there rental housing access is unequal.
- Pinheiro Principle 2: The right to equality between men and women.** The issue of equality of HLP rights between men and women in IDP communities is best understood by observing the rates at which households face return barriers relating to HLP issues in their area of origin. Within camps, 61 per cent of female-headed households face this issue compared with 46 per cent of males. Similarly, within out-of-camp settings, female headed households are more likely than male headed-households to face it, at respectively 50 per cent and 40 per cent.
- Pinheiro Principle 3: The right to be protected from displacement (including secondary displacement).** The extent to which this fundamental right is being met can be understood across different dimensions of displacement. One dimension is reflected in the rates of households who face the issue of private residences being occupied: only two per cent of the nation's IDP households and five per cent of returnee households live in locations where this issue takes place. An additional dimension of this right relates to forced housing evictions, which only affects less than one per cent of IDPs and returnees nationwide. Additionally, camp closures – which are often imposed at short notice by the government – has also led to the forced returns of around 22,389 households between October 2019 and April 2021.
- Pinheiro Principles 4: The right to privacy and respect for the home.** The rates at which this right to privacy and respect for the home is evident in observing the proportion of displacement-affected households who report improved privacy and dignity as a main shelter need. All three groups report this need at similarly low rates across the country: in-camp IDPs (12%), out-of-camp IDPs (10%) and returnees (9%).
- Pinheiro Principle 5: The right to peaceful enjoyment of possessions.** Based on available data, this right is best examined through observing the proportion of IDP and returnee households whose primary source of income comes from selling household assets. Only a small proportion of these groups report that this is the case (respectively two per cent and one per cent of IDP and returnee households). Additionally, amongst out-of-camp IDP households who own a house in their area of origin, 51 per cent report that someone else is living in it. It is important to note that while this may represent cases of illegal housing occupations, in some cases the houses may be lived in under an arrangement between the owner and the tenants.
- Pinheiro Principle 6: The right to adequate housing.** The primary indicator to measure the right to adequate housing relates to the proportion of IDP and returnee households living in shelters in critical condition. Overall, nine per cent of all IDP households live in shelters in such conditions, which is slightly higher than the four per cent of returnee households who live in them. Additionally, a total of 36,620 IDPs – amounting to 15 per cent of the nation's caseload – remain displaced in camps, which are inadequate due to their temporary nature and sub-standard quality. As for IDPs intending to return home, the issue of their pre-displacement houses having been damaged or destroyed during the ISIL conflict has represented one of the most significant return barriers amongst IDP households since 2016, with 71 per cent reporting this was the case in 2020.
- Pinheiro Principle 7: The right to freedom of movement.** Across the country, movement restrictions are imposed in 14 per cent of all locations where IDPs reside, and in 8 per cent of all locations where returnees have arrived. Notably, movement restrictions are imposed

in all locations in the following districts: Al-Daur, Al-Shirqat, Ana, Baiji, Haditha, Heet, Makhmur, Mergasur, Shaqlawa, Soran and Tuz. Additionally, movement restrictions are imposed in all locations within five districts of return: Ana, Haditha, Heet,. Furthermore, fears of being forcibly relocated or evicted are reported in one per cent of all IDP locations. Notably, all of these locations are in Sinjar district. Finally, seven per cent of IDPs live in locations where returns are blocked – with this issue particularly common in the governorates of Babylon, Sulaymaniyah and Ninewa. Similarly, a high prevalence of blocked returns take place in only one per cent of return locations across the country – with especially high numbers in Ninewa governorate's districts of Al-Ba'aj (5) and Al-Hamdaniyah (3), as well as Salah al-Din's governorate's of Baiji (3) and Al-Fares (2).

- **Pinheiro Principle 8: The right to voluntary return in safety and dignity.** One key issue relevant to the right to voluntary return in a way that is safe and dignified relates to the information that prospective returnees have in order to make an informed decision to repatriate. There is significant variation across urban locations, with the highest rates of IDPs facing problems with accessing information reported in Baghdad/Abu Ghraib (60%), as well as Ba'quba (47%) and Zakho (43%). In urban centers the most common reasons for not having information relate to general challenges around accessibility of it – especially in Kirkuk (74%), with high rates of not trusting information also reported in the cities of Tikrit (61%) and Mosul (56%).
- **Additional Principle 1: The right to HLP records and documentation.** In 2020, over half of IDP households (54%) reported not possessing HLP documentation – making this group likely to face problems with proving ownership of their pre-displacement houses, including in cases where these houses are being illegally occupied. Districts with the highest rates of households not possessing this documentation are reported in Al-Shikhan (94%) in Ninewa, as well as Al-Hamdaniyah (92%) and Zakho (90%) in Dahuk, along with Dokan (92%) in Sulaymaniyah. Across urban centers, the lowest rates of possessing documentation are in Tikrit (24%), Dahuk City (50%), and Erbil City (29%).
- **Additional principle 2: The right to access compensation.** Since 2016, uptake of financial compensation for losses to housing via the government's scheme has been low, which is attributable to low levels of awareness of the scheme, as well as delays with claims being processed. However, since 2016 progress has been made, with a notional correlation between rising awareness levels and increasing numbers of the Iraqi population applying for the scheme. In 2016, around 10 per cent of each of IDPs and returnees reported being

aware of the scheme, while less than 20 per cent of each group reported having applied for it. By 2020, at least 70 per cent of IDPs and returnees reported being aware of it and around 60 of each group reported having submitted an application.

## CONCLUDING REMARKS

This report has provided a comprehensive overview the situation relating to HLP in Iraq in 2021. In doing so, it has highlighted the importance of identifying the different dimensions of HLP as the country approaches its fourth year since the Iraqi Government declared victory over ISIL. In presenting data under each of the eight rights-based Pinheiro Principles - the key global tool to monitor HLP as a pillar of durable solutions – as well as two additional principles, this report has identified progress and gaps in relation to HLP across the country.

The findings suggest that certain rights-based principles – namely those related to privacy and respect to the home, freedom of movement, and to adequate housing – are being realized amongst the broad majority of IDP and returnees across the country. By contrast, the remaining principles – including the rights to equality between men and women, to peaceful enjoyment of possessions, and access to HLP records and documentation and compensation for housing losses – are not being realized amongst most displacement-affected families. Importantly, the report has also identified geographical variations across indicators. Notably, this includes major differences across districts in the proportion of IDP households who are living in shelters in critical condition, with hotspots identified in Dahuk governorate's Sumel district (3,508 households) and Anbar governorate's Falluja district (2,550). There is also a significant spread of returnees living in areas where residential destruction has taken place, with the following identified as districts of greatest concern: Mosul (151,642) in Ninewa governorate, as well as Ramadi (100,100 families) and Falluja (87,908) in Anbar governorate.

To ensure HLP programming realizes the rights of all displacement-affected communities, it is recommended that regular and timely information is produced to inform HLP programming in locations of displacement and return. To ensure the usefulness and effectiveness of this information, it should align closely with the coordination of HLP activities under the Iraq HLP Sub-Cluster and area-based programming activities that are being implemented across the country, including under the coordination of the Returns Working Group. This report contributes to this evidence base relating to HLP and durable solutions in Iraq, with the factsheets presented in Annex 2 containing detailed information to assist in overcoming HLP issues in 15 districts of return in Iraq.

## ANNEX 1:

## HLP RIGHTS-BASED PRINCIPLES INDICATOR MATRIX

PINHEIRO OVERARCHING PRINCIPLE	LOCATION TYPE	INDICATOR	DATA SOURCE
1. The right to non-discrimination	Displacement	% of IDP households living in locations where there is unequal access to rental housing	IOM DTM Integrated Location Assessment 5
2. The right to equality between men and women	Displacement	% of IDP households facing barriers to returning home (disaggregated by female- and male-headed households, and out-of-camp and camp settings)	REACH Multi-Cluster Needs Assessment 8
3. The right to be protected from displacement (including secondary displacement)	Displacement	% of IDP households living in locations where there are incidences of private residences being occupied without permission (i.e. secondary occupation)	IOM DTM Integrated Location Assessment 5
	Return	% of returnee households living in locations where there are incidences of illegal occupations of private residences (i.e. secondary occupation)	IOM DTM Integrated Location Assessment 5
	Displacement	% of IDP households living in locations where there are threats of eviction	IOM DTM Integrated Location Assessment 5
	Return	% of returnee households living in locations where families came home following being evicted in their previous location of displacement	IOM DTM Integrated Location Assessment 5
	Return	# of returnee families arriving to their area of origin from camps, October 2019 to April 2021	IOM DTM Master List 121

PINHEIRO OVERARCHING PRINCIPLE	LOCATION TYPE	INDICATOR	DATA SOURCE
4. The right to privacy and respect for the home	Displacement	% of IDP households reporting improved privacy and dignity as a main shelter need	REACH Multi-Cluster Needs Assessment 8
	Return	% of returnee households reporting improved privacy and dignity as a main shelter need	REACH Multi-Cluster Needs Assessment 8
5. The right to peaceful enjoyment of possessions	Displacement	% of IDP households whose main source of income includes selling household assets	REACH Multi-Cluster Needs Assessment 8
	Return	% of returnee households whose main source of income includes selling household assets	REACH Multi-Cluster Needs Assessment 8
	Displacement	% of IDP households reporting someone living in their house in their previous location	IOM DTM Urban Displacement Study
6. The right to adequate housing	Displacement	% of IDP households living in shelters in critical condition (with note of types of critical shelters)	IOM DTM Master List 121
	Displacement	% of IDP households living in camps	IOM DTM Master List 121
	Displacement	% of IDP households that cannot return home due to housing damage/destruction in their area of origin, 2016 to 2020	IOM DTM ILA 1-5 (2016-2020)
	Return	% of returnee households living in locations where there are cases of residential destruction	IOM DTM Return Index 12
	Displacement	% of IDP households reporting someone living in their house in their previous location (subset of households who reported owning a house in their area of origin that is in habitable condition)	IOM DTM Urban Displacement Study
	Return	% of returnee households living in locations where no houses have been reconstructed	IOM DTM Return Index 12
	Return	% of returnees living in locations where different shelter improvements are most needed	IOM DTM Integration Location Assessment 5

PINHEIRO OVERARCHING PRINCIPLE	LOCATION TYPE	INDICATOR	DATA SOURCE
7. The right to freedom of movement	Displacement	% of IDP households living in locations where movement restrictions are imposed	IOM DTM Integration Location Assessment 5
	Return	% of returnee households living in locations where movement restrictions are imposed	IOM DTM Integration Location Assessment 5
	Return	% of returnee families living in locations where there are incidences of blocked returns	IOM DTM Integrated Location Assessment 5
8. The right to voluntarily return in safety and dignity	Displacement	% of IDP households intending to return home in the next 12 months because the security situation in their area of origin is stable	REACH Multi-Cluster Needs Assessment 8
	Displacement	% of IDP households requiring more accurate information about their area of origin in order to return	IOM DTM Urban Displacement Study
	Displacement	% of IDP households reporting different reasons for having insufficient information regarding their place of origin	IOM DTM Urban Displacement Study
	Displacement	% of IDP households originating from different districts	IOM DTM Urban Displacement Study
	Displacement	% of IDPs who have applied for compensation	IOM Access to Durable Solutions Among IDPs in Iraq: Unpacking the Policy Implications
	Displacement	% of IDPs who have applied for the scheme, by claim outcome (pending, accepted, rejected)	IOM Access to Durable Solutions Among IDPs in Iraq: Unpacking the Policy Implications
	Displacement	% of IDP households who are aware of the government compensation committees to facilitate compensation for loss/damage of property	IOM DTM Urban Displacement Study
	Displacement	% of IDP households who have applied to or accessed restitution or compensation mechanisms overseen by the Central Committee for Compensating the Affected (CCCA) (refer to Law in the report)	IOM DTM Urban Displacement Study

PINHEIRO OVERARCHING PRINCIPLE	LOCATION TYPE	INDICATOR	DATA SOURCE
1. The right to HLP records and documentation	Displacement	% IDP households reporting not possessing HLP documentation	REACH Multi-Cluster Needs Assessment 8
	Displacement	% of IDP households reporting owning a house in their area of origin	IOM DTM Urban Displacement Study
	Displacement	% of IDP households reporting different statuses of HLP documentation possession	IOM DTM Urban Displacement Study
2. The right to access compensation and restitution	Displacement	% of IDP households reporting awareness of compensation for HLP damage/losses	IOM Access to Durable Solutions in Iraq: Five Years in Displacement
	Displacement	% of IDP households reporting having applied for compensation for HLP damage/losses	IOM Access to Durable Solutions in Iraq: Five Years in Displacement
	Displacement	% of IDP and returnee households reporting the status of applications for HLP compensation	IOM Access to Durable Solutions in Iraq: Five Years in Displacement

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