

**Mandates of the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context**

REFERENCE:  
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the human rights of internally displaced persons and Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, pursuant to Human Rights Council resolutions 41/15 and 43/14.

In this connection, we would like to call the attention of your Excellency's Government to **allegations related to the eviction and forced, coerced and unsafe return of thousands of internally displaced persons in the context of the closure and consolidation of camps of internally displaced persons in Iraq.**

In her recent report on her visit to Iraq (A/HRC/44/41/Add.1), the Special Rapporteur on the human rights of internally displaced persons raised a number of concerns regarding the process of closure and consolidation of camps undertaken in several governorates during the second half of 2019. She raised concerns over information received that internally displaced persons had been transported back to their governorates of origin or relocated to other camps against their will, without receiving accurate information about their destination, and without adequate support being provided to receive them at the destination. As a result of the camp closures and consolidations, people were returned to areas that were unsafe or did not offer suitable conditions to receive them, and many underwent secondary displacement to camps in other governorates or informal settlements. She also raised concerns about the lack of coordination with camp management and humanitarian actors providing camps with services, and the insufficient notice given to camp residents.

In the above-mentioned report, the Special Rapporteur recommended that the Government of Iraq ensure that future camp consolidations or closures are based exclusively on returns or resettlement that are voluntary, safe and dignified, respecting the right of internally displaced persons to decide on their preferred durable solutions. She recommended that any such closures and consolidations be decided with the Governorate Returns Committee through a consultative evidence-based process, taking into account data on conditions in the areas of origin and involving humanitarian partners, camp management and camp populations, and with sufficient notice to all; and that returns be coordinated with governorates of origin so that returnees receive adequate support. She also called for the full implementation of the Principled Returns Framework, and for development, social cohesion and reconciliation as essential elements for achieving durable solutions for internal displacement in Iraq. We

acknowledge the comments provided by the Government of Iraq on the above-mentioned report (A/HRC/44/41/Add.2).

Recent information received points to worrying trends in further camp closures and consolidations being conducted in Iraq at this very moment.

According to the information received:

On 15 October 2020, the Government of Iraq announced a three-stage plan to “end the displacement in camps”, overriding joint planning previously agreed at the Governorate level between Governors and the humanitarian and development partners through Governorate Returns Committees, the main forum for coordination between local authorities and humanitarian and durable solutions actors (which comprise government focal points from Governor’s Office, the Ministry of Migration and Displacement, Operations Command, and the Joint Coordination and Monitoring Center, as well as OCHA, humanitarian agencies, and Returns Working Group). This plan reportedly originates from the Office of the Prime Minister, in the context of its Government Program which pledged to provide all necessary requirements for internally displaced persons to return to their homes and close the internal displacement issue.

The Ministry of Migration and Displacement at the federal level has commenced to implement the plan in several camps of internally displaced persons in Kerbala, Baghdad and Diyala governorates, with their residents being taken back to their governorates of origin, [REDACTED]. For example, the following camps have now been closed: in Baghdad, Al-Ahl camp (which used to have 74 households/398 individuals), Al-Shams informal site (which used to have 105 households/618 individuals) and Al Nabi Younis (which used to have 61 households / 303 individuals); as well as Al-Kawthar camp (which used to have 85 households/519 individuals) in Kerbala, and Saad camp in Diyala (which used to have 102 households/612 individuals). As of 6 November, a total of over 3,000 internally displaced persons have had to leave camps since 14 October because of their closure. The Government of Iraq has signaled that more closures and consolidations of camps for internally displaced persons should be expected soon as part of its plan to close multiple camps by the end of 2020.

#### *Evictions and forced, coerced and unsafe returns*

The closure and consolidation of camps and the return of internally displaced persons have reportedly been conducted without any in-depth consultations with the displaced persons concerned, many of whom have objected to leaving camps due to concerns about conditions in areas of return or ethno-religious tensions. In some instances, internally displaced persons were allegedly prevented from leaving camps after being notified of the camp’s imminent closures. Residents were given notice periods as short as two days to leave the camps, or even a few hours, generating panic among camp residents. They have not been given

written notice but were simply given notice orally and with at times contradictory instructions.

Some internally displaced persons moved from the camps to rented accommodations in the same area but have concerns about their ability to continue paying the rent and may be evicted. Others left the camps to unknown locations. Many, however, had no alternative options and were obliged to accept the return plans of the Government. An estimated 45% of internally displaced persons affected by the camp closures moved to different locations thus undergoing secondary displacement, while the other 55% returned to their areas of origin.

The Ministry of Migration and Displacement arranged transportation of the internally displaced families to their areas of origin. There have been reports of harassment of internally displaced persons departing camps including the mishandling of their belongings and luggage if they did not pack quickly enough. Returns have reportedly been conducted without consideration for school terms, depriving internally displaced children of education, and some internally displaced children had to miss their school exams because of camp closures. It seems that no COVID-19 protection measures have been put in place during movement – no distribution of face masks, hand gel or physical distancing, exposing internally displaced persons to the risk of contracting the virus during the journey, and risking contributing to the spread of the virus across the country.

During transit to their areas of origin, internally displaced persons have faced many difficulties at checkpoints. Some were reportedly detained at checkpoints for reasons including: their names not being on the list received by the Operations Command in charge of that checkpoint, or because the movement authorization letters they had been provided were deemed insufficient. Returnees were at times held at checkpoints without being given any water or food for 24 or 48 hours. There were also reports of returnees held at checkpoints, including women and children, not being allowed to leave the bus for an entire night and day nor even to use the toilet. At some checkpoints, the area Operations Command allegedly confiscated the identification documents of returnees who were subsequently held at other checkpoints in their journey because of the lack of civil documentation. Due to the lack of coordination among the Operations Commands of different governorates, returnees faced repeated security screenings during their travel.

While some of the returnees were transported to their villages of origin, others were transported to a checkpoint between two governorates and left for authorities to deal with and, as a result of the lack of coordination between authorities from different governorates, were at times stranded at checkpoints.

### *Obstructed returns*

Internally displaced persons who are unable to return to their areas of origin risk having nowhere to go when camps close. For example, families who are perceived to have an affiliation to the Islamic State in Iraq and the Levant (ISIL) face particular challenges to return as they may not be allowed back in their areas of origin and may be unable to go through checkpoints due to the lack of security clearance. Some of these families are reportedly being required to disown their family member who is perceived to be affiliated with ISIL through a procedure called *tabriya*, which has no legal basis under Iraqi law, as a condition for security clearance. Otherwise, they are told they cannot return and must be relocated to different camps, which are also expected to be closed this year. Some families which are not granted security clearance to return to their areas of origin have allegedly not been allowed to relocate to another camp either. Displaced people from disputed areas may also lack security clearance to be able to return to their areas of origin.

#### *Lack of consultation and coordination*

It seems that the closure and consolidation of camps and the return of internally displaced persons were often conducted without consultation with relevant Governorate authorities, which have objected to the decisions or the timelines, and almost no coordination with humanitarian actors. In some cases, preparations were reportedly conducted in secrecy and under classified orders. At times, humanitarian actors were temporarily denied access to camp residents prior to their return or access to returnees held at checkpoints.

There has been only limited coordination between Federal and Governorate branches of the Ministry of Migration and Displacement, and almost no operational coordination between Operational Commands in charge of controlling checkpoints, which resulted in significant delays, additional security screenings and hardship for returnees.

#### *Conditions in areas of return*

Many of the areas to which internally displaced persons are being returned are not prepared to receive them. Due to extensive destruction during the fighting, these areas lack essential infrastructure, livelihood opportunities and basic services such as electricity, water and sanitation, health care and education. Most displaced people have had their houses destroyed, damaged or occupied by armed actors or others. Insecurity is also an issue in these areas, whether it is because of the presence of armed actors, mine contamination or community tensions. Due to religious or tribal affiliations, some displaced persons are not allowed to return to their areas of origin.

The returnees who reach their destination have been encountering numerous challenges, including the need for alternative accommodation arrangements such as renting or temporarily living with relatives while their houses await rehabilitation which might take a long time given the large scale of damaged

houses in Iraq, and the fact that many returnees never owned property or lack the documentation to prove ownership. Many lack any income generating activities and do not have access to essential services. As a result, many of these returns are unsustainable, leading to secondary displacements.

### *Imminent camp closures*

In light of the wide scale of the plans of the Government of Iraq, more closures and consolidations of camps for internally displaced persons are expected to take place soon. The return of residents of Habbaniya Tourist City (HTC) and Ameriyat al Fallujah (AAF) camps has commenced. Reports indicate that authorities intend to close the following camps by mid-November, with transportation of internally displaced persons starting several days earlier:

- Habbaniya Tourist City (HTC) camp in Anbar (with 523 households/2,505 individuals)
- Khazir camp in Erbil (with 1,104 households/5,767 individuals)
- Hamam Al Alil camp in Ninewa (with 1,836 households, about 8,500 individuals)
- Qoratu in Sulaymaniyah (with 141 households/662 individuals)
- Arbat in Sulaymaniyah (with 301 households/1,395 individuals)
- Yahyawa camp in Kirkuk (with 349 households / 1,906 individuals)
- Al Wand 2 camp in Diyala (with 154 households / 661 individuals)
- Jeddah (with 20,100 individuals)
- Salamiyah (with 11,700 individuals)

Furthermore, the Ministry of Migration and Displacement has reportedly ordered for all camps in Ninewa, Kirkuk, Diyala, Anbar and Salah al Din to be closed before the end of this year. Zayona camp in Baghdad (with 110 households / 361 individuals, mostly Christians) might also be closed, although on 21 October 2020, residents of Zayona camp protested against the returns at the camp gate.

While we do not wish to prejudge the accuracy of these allegations, we are deeply concerned about the serious impact on the human rights of internally displaced persons of their evictions and forced, coerced and unsafe returns to their areas of origin in the context of the closure and consolidation of camps, in particular their right to adequate housing, to freedom of movement and choice of residence, and their right to life, liberty and security of person. We are also highly concerned about the conditions in the areas of return which are not ready to receive them because of damaged or destroyed infrastructure and other housing, land and property issues, as well as lack of access to basic services and livelihood opportunities. We are deeply concerned about the safety of those who have returned to areas contaminated by mines or with presence of armed actors, or amid social tensions where they face discrimination and risk suffering violence and reprisals. We are also highly concerned by the reports of

internally displaced persons having their identification documents confiscated by area Operations Commands and being held at checkpoints, in some cases for long periods of time. We would also like to voice our concern for the manner in which these individuals and families have been transported back to their areas of origin, in particular the insufficient notice they were given, the impact on children's right to education, the lack or insufficient access to food, water and sanitation and the lack of COVID-19 protective measures. We are gravely concerned that camp closures conducted in this manner lead to secondary displacement, and failed and unsustainable returns, and do not constitute a durable solution to displacement. Extremely worrying is also the situation of families with a perceived affiliation to ISIL who are blocked from returning to their areas of origin and lack alternatives when the camps close. Their vulnerability and often discriminatory treatment had already been highlighted in the above-mentioned report of the Special Rapporteur on the human rights of internally displaced persons. This report also highlighted the importance of a national peace and reconciliation plan for internally displaced persons to achieve durable solutions.

We are also highly concerned that further camp closures and consolidations are expected to be undertaken in the near future, exposing many more internally displaced persons to the risk of evictions, forced or coerced returns in unsafe conditions, secondary displacements or risk to their lives in the areas of return – all of which is aggravated in the context of a pandemic.

We recognize the numerous challenges posed to resolving protracted displacement in Iraq and the efforts of your Excellency's Government to address internal displacement in the country, as highlighted in the above-mentioned report of the Special Rapporteur on the human rights of internally displaced persons. The invitation for the Special Rapporteur on the human rights of internally displaced persons to visit Iraq, the cooperation extended during her visit and the willingness to engage with her mandate are also testament to the political will of the Government of Iraq to address internal displacement. However, we are concerned that the allegations regarding the closure and consolidation of camps involving forced, coerced and unsafe returns as well as blocked returns seem to indicate the continuation of a trend already identified in the above-mentioned report.

We wish to remind you that the Guiding Principles on Internal Displacement, which reflect international human rights and humanitarian law, state that authorities have the primary duty and responsibility to protect and assist internally displaced persons within their jurisdiction (Principles 3) and to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another a part of the country (Principle 28). Principle 28 also states that special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration (principle 28). Internally displaced persons have the right to choose freely the durable solution of their preference, which can be to return to their place of origin, settle elsewhere in the country or integrate locally.

The Guiding Principles on Internal Displacement state also that every human being shall have the right to be protected against being arbitrarily displaced (Principle 5). Furthermore, authorities must protect internally displaced persons, who have the right to liberty and shall not be subjected to arbitrary arrest or detention, and shall not be interned or confined to a camp (Principle 12). Internally displaced persons have the right to liberty of movement and freedom to choose their residence (Principle 14), the right to an adequate standard of living and must be provided with essential food and potable water and basic shelter and housing (Principle 18). Finally, we wish to remind your Excellency's Government that authorities shall grant and facilitate the free passage of humanitarian assistance and grant humanitarian actors rapid and unimpeded access to internally displaced persons (Principle 25), including to assist in their return or resettlement and reintegration (Principle 30).

We would also like to refer your Excellency to the IASC Framework on Durable Solutions for Internally Displaced Persons, which sets out eight criteria to determine to what extent a durable solution has been achieved: long-term safety and security, enjoyment of an adequate standard of living without discrimination, access to livelihoods and employment, effective and accessible mechanisms to restore housing, land and property, access to personal and other documentation without discrimination, family reunification, participation in public affairs without discrimination, and access to effective remedies and justice.

Furthermore, we wish to remind your Excellency's Government that the International Covenant on Civil and Political Rights, ratified by Iraq in 1971, provides for the liberty of movement and freedom to choose one's residence (Article 12). We also wish to remind you that the International Covenant on Economic, Social and Cultural Rights, also ratified by Iraq in 1971, stipulates in its article 11.1 that States "recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions" and requires them to "take appropriate steps to ensure the realization of this right". We are concerned that the manner in which camps for internally displaced persons are being closed is resulting in evictions in disrespect of Iraq's obligations under international human rights standards, in particular General Comments No. 4: and No. 7 of the Committee on Economic, Social and Cultural Rights on the right to adequate housing and on forced evictions.

In its General Comment No. 4, the Committee on Economic, Social and Cultural Rights has stated that the right to housing should not be interpreted in a narrow or restrictive sense by assigning to it a meaning of "merely having a roof over one's head", but it should rather be seen as the right to live somewhere in security, peace and dignity. The Committee has also underscored the State's obligation to ensure security of tenure and legal protection against forced eviction, harassment and other threats, "notwithstanding the type of tenure", including "emergency housing and informal settlements" (paragraphs 7 and 8).

In its General Comment No.7, the Committee concluded that forced evictions are "prima facie incompatible with the requirements of the Covenant" and are

performed “against the will of individuals, families and/or communities” and “without the provision of, and access to, appropriate forms of legal or other protection” (General Comment No. 7, paragraphs 1 and 3). States shall furthermore ensure, prior to carrying out any evictions that all feasible alternatives are explored in consultation with the affected persons (paragraph 13). In addition, it appears to us that required procedural protections, such as an opportunity for genuine consultation with those affected; adequate and reasonable notice for all affected persons prior to the eviction; and the provision of alternative land or housing for all affected persons may not have been respected (General Comment No. 7, paragraph 15). We are also concerned that the evictions are rendering individuals “homeless or vulnerable to the violation of other human rights” (paragraph 16).

The full text of the human rights instruments and standards referred to above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

Finally, we wish to remind you of the Principled Returns Framework, which was endorsed by the Government of Iraq in 2018 and represents the consensus between the Government of Iraq and the humanitarian community on how to ensure that returns conform to the obligations of the Government of Iraq under domestic and international law. The Principled Returns Framework recognized that according to international and domestic law, returns must be:

- voluntary, allowing internally displaced persons to choose from a range of solutions to their displacement including return to their area of origin, local integration, or relocation to another part of the country, ensuring that their decision-making on whether or when to return should be devoid of any form of coercion or influence, and that they should not be induced to return by closing camps;
- safe, by not facilitating or forcibly organizing returns to areas where the physical, legal or material safety of internally displaced persons would be at risk, for example because of mine contamination, legal and administrative barriers such as lack of civil documentation, or lack of access to basic services;
- informed, including by providing sufficient information on the conditions in the area of return and the overall return plan as early as possible prior to a return movement;
- dignified, without undue hardship and discrimination barring certain groups from returning; and
- durable, in line with the eight criteria set out in the IASC Framework on Durable Solutions.

Under the Principled Returns Framework, the Government of Iraq and humanitarian partners expressed their commitment to doing everything possible to prevent, advocate and act against forced returns, forced evictions (including by providing sufficient notice and consulting internally displaced persons on shelter options), confiscation of identification documents, and premature returns (when the conditions in areas of origin are not conducive to receiving returnees).



In view of the urgency of the matter, we would appreciate a response on how your Excellency's Government intends to ensure that the Government's policies on camp closures and consolidations are implemented in respect for international human rights standards and aligned with the Principled Returns Framework.

As we continue to monitor and evaluate the developments of this situation, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify the allegations of human rights violations brought to my attention. To this end, we would be grateful for your comments and observation on the following:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on any measures taken to ensure that internally displaced persons can freely choose whether to return to their place of origin, integrate locally or settle somewhere and the support provided to them in this regard, including the alternatives offered for those not willing to return to their areas of origin. Please provide information also on any measures taken to ensure their full participation of camp residents in the planning and management of their return or move to any other location chosen by them.
3. Please provide information on any efforts undertaken to ensure consultation and coordination with local authorities and humanitarian and durable solutions actors in the adoption and implementation of decisions regarding the closure and consolidation of camps of internally displaced persons, including through the Governorate Returns Committees.
4. Please provide information on any measures taken to promote durable solutions for the camps residents in line with the criteria set out in the IASC Framework on Durable Solutions for Internally Displaced Persons, including in relation to long-term safety and security in their areas of destination, the availability of effective and accessible mechanisms to restore housing, land and property, access to livelihoods and employment, and enjoyment of an adequate standard of living without discrimination, as well as in relation to the development and implementation of a national peace and reconciliation plan.
5. Please provide information on the status of the collaboration between the Ministry of Migration and Displacement and the Ministry of Planning to enable returns by improving conditions in areas of return as announced by these Ministries in September 2020.

6. Please provide information on any measures taken to specifically protect children, women, older persons, persons with disabilities, and any other vulnerable groups among the internally displaced persons affected by the closure and consolidation of camps, as well as any COVID-19 protection measures taken during the transportation of returnees.
7. Please provide information on any measures taken to support internally displaced persons who have already been moved out of the camps, including those who have returned to their areas of origin and those who have undergone secondary displacement.
8. Please clarify the plans for future closure and consolidation of camps and what measures will be taken to ensure that returns are voluntary, safe, dignified, informed and durable, as well as to ensure the participation of internally displaced persons in decision-making.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

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