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3.12.4. Education of children and girls in particular

COMMON ANALYSIS
Last update: November 2024

The analysis below is based on the following EUAA COI report: Country Focus 2024, 1.4.5. Country Guidance should not be referred to as source of COI.

The Constitution provides that primary education is mandatory in Iraq. However, almost 3.2 million school-aged children are reported to be out of school.

Step 1: Do the reported acts amount to persecution?

There are several barriers faced by Iraqi children in accessing education, including lack of sufficient educational facilities, use of schools as shelters by IDPs and costs of transportation and supplies. The general deficiencies in the educational system, and the limited opportunities for education cannot as such be considered persecution, as they are not the result of an actor's deliberate actions(11). Therefore**, the threshold for persecution for children under this profile would be reached in exceptional cases**. Nevertheless, in case of deliberate restrictions on access to education, it should be assessed whether it amounts to persecution.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a child to face persecution in relation to access to education should take into account **risk-impacting circumstances**, such as:

- **Existence of identification documents:** Access to education is effectively impeded to children lacking civil documentation. The denial of documentation, which also leads to no access to basic education, may be linked to belonging to a minority (see 3.10. Religious and ethnic minorities) or perceived links to ISIL (see 3.1. Persons perceived to be affiliated with ISIL). See also 3.12.5. Children born under ISIL rule who lack civil documentation.

- **Gender:** Girls face additional barriers in accessing education due to socio-cultural norms, while girls forced into marriage are de facto excluded from accessing education.

- **Disabilities:** Children with disabilities are most at risk of being excluded from schools.

- **Socio-economic situation of the child and the family:** Approximately half of all displaced children are reported to be out of school. Significant barriers, such as traditional gender roles and norms, family's level of education, poverty and perceived protection concerns, limit girls' access to education, especially in territories formerly under ISIL's control.

- **Home area:** In some conflict affected areas, access to education for children is further hampered by continued insecurity. In some rural areas, girls are denied access to school by their families.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for a child in relation to education, the individual circumstances of the child should be taken into account to determine whether a nexus to a reason for persecution can be established. For example, in the case of denied identity documentation due to belonging to a minority group, nationality and/or race may be a relevant ground for persecution.

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  CJEU, *Mohamed M'Bodj v État belge, C-542/13*, judgment of 18 December 2014, Grand Chamber (M'Bodj), paras. 35-36.

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