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EUAA report on Arab tribes and customary justice in Iraq



The European Union Agency for Asylum (EUAA) has published a thematic report on tribalism and customary law in Iraq, issues that are not frequently addressed in COI due to their complexity and sensitivity. The report sheds light on the structure of the Arab Muslim tribes in Western, Central and Southern Iraq and how tribal law impacts specific groups such as women, Christian converts and Internally-displaced Persons (IDPs) with a perceived affiliation to the so-called Islamic State (ISIL). The purpose of this report is to provide relevant contextual information for the assessment of applications for international protection.

Tribal (customary) law is an expression of collective identity and is comprised of sets of codes that guide the relations between tribe members and tribes themselves. The majority of Iraqis are either members of a tribe or are affiliated with the tribal system, **especially in the western, central and southern areas of Iraq**.

The EUAA thematic report shows that **tribal disputes and feuds in Iraq are frequent**, especially in the governorates of **Baghdad, Maysan, Al-Basrah** and **Thi-Qar**, and arise from a wide range of causes including **honour, personal or communal disputes and resource-related reasons**. The federal Government of Iraq has made efforts to address tribal feuds that lead to security issues, but has only had limited success in some areas. Due to the challenges in the Iraqi justice system as well as societal attitudes, many Iraqis **tend to resort to the tribal system** for the resolution of disputes.

However, tribal practices and disputes as well as their resolution processes **may give rise to significant human rights violations**, notably for women and persons perceived to be affiliated with ISIL. Access to protection in cases of tribal violence and rights violations remains a challenge. In 2022, EU+ countries lodged around **30 345 asylum applications by Iraqi nationals**. During the same period, national authorities took around **27 785 decisions at first instance**, and granted an EU-regulated form of protection to **around 7 940 applicants**, or fewer than one in three.

Background

The EUAA regularly updates its Country-of-Origin Information reports, which aim to provide accurate and reliable up-to-date information on third countries to support EU+ asylum and migration authorities in reaching accurate and fair decisions in asylum procedures, as well as to support national policymaking.

Download the Iraq: Arab tribes and customary law COI report.

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