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3.12.5. Children born under ISIL rule who lack civil documentation

COMMON ANALYSIS
Last update: November 2024

The analysis below is based on the following EUAA COI report: Country Focus 2024, 1.1.3, 1.4.3. Country Guidance should not be referred to as source of COI.

Hundreds to thousands of children born under ISIL rule or to foreign fathers were not registered at birth and lack civil documentation.

Step 1: Do the reported acts amount to persecution?

The severity and/or repetitiveness of acts to which children could be subjected and whether they occur as an accumulation of various measures, should be considered. More specifically, children who lack birth certificates in Iraq are reported to be stateless or at risk of becoming stateless. Statelessness, in itself, does not amount to persecution; however when it prevents access to public services, as is the case for some children born under ISIL, this may reach the threshold for persecution. Lack of birth certificates and other key civil documents limit children's access to government services and social protection, including enrolment to school, access to healthcare, housing, employment and social safety nets. Additionally, these children face restrictions of movement and are subject to stigmatisation, abuse and abandonment. Being a child should also be taken into account in the assessment whether the reported acts amount 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 born under ISIL rule to face persecution should take into account **risk-impacting circumstances**, such as:

- **Family situation:** Women with perceived ISIL affiliation are required by the Iraqi government to provide evidence of a death certificate or detention of the father of the child. Since many men disappeared or died during conflict, such evidence is nearly impossible to obtain. In March 2022, courts across Iraq started to require DNA samples

from up to three male paternal relatives to obtain a birth certificate or other civil documents for children. Such a process is reportedly lengthy and complex. For women with foreign ISIL-affiliated spouses, birth registration of children is impossible. Therefore, access to civil documentation is reportedly available only for a limited minority of families with perceived ISIL affiliation. See also 3.1. Persons perceived to be affiliated with ISIL.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for a child in relation to lack of civil documentation, this may be for reasons of membership of a particular social group, based on their common background (family situation) which cannot be changed, and due to their distinct identity in the context of Iraq in relation to their stigmatisation by the surrounding society.

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