

**NRC**

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# Broken Home

Women's housing, land and property  
rights in post-conflict Iraq



## **Acknowledgements:**

This report was authored by Daniel Gorevan and Sanne Boswijk, with the assistance of Alexandra Saieh, Naomi Johnstone, Helen Baker and Asmaa Noori. It was peer reviewed by Veyan Mohammed, Aesha Shakir Mahmoud, Zana Mohammed Ali, Media Aziz and Zina Ashraf from the ICLA teams in Dohuk, Ninawa, Kirkuk and Anbar respectively.

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Laylan Camp, Kirkuk  
Photo: Helen Baker/NRC

## EXECUTIVE SUMMARY

Iraq has experienced repeated cycles of conflict, massive displacement and destruction over the past three decades. The most recent war with the Islamic State group (IS) witnessed unprecedented destruction of homes and infrastructure in north and central Iraqi cities and towns, with at least 138,000 homes damaged or destroyed<sup>1</sup>. More than 6 million Iraqis fled their homes during the conflict with IS. Many of those who have managed to return to their original villages and towns still struggle to secure a home and effectively rebuild their lives.

Research by NRC has found that displaced and conflict-affected women are consistently more likely to live in poor or inadequate shelter, and report a greater fear of eviction and less ability to claim their housing, land and property (HLP) rights. In Iraq, refugees and displaced people often reside in inadequate housing without formal lease agreements and are exposed to sudden changes

in rental conditions or even eviction. In addition, many of those wishing to return to their homes cannot do so. Displaced people face problems of securing access to property, re-establishing ownership, resolving contested property claims and navigating the challenge of seeking compensation<sup>2</sup>. Competing regimes of land governance lead to further difficulties in determining ownership. While these challenges affect the rights of all Iraqis who have lived through the conflict, women are often at heightened risk of facing these barriers, making it harder for them to return home or seek another durable solution to their displacement.

NRC's research found that women were 11 per cent more likely to live in an overcrowded shelter compared with men.

Women were nine per cent more likely than men to fear that they will be evicted. This was a particular issue for women who had returned after displacement, who are 14 per cent more likely to fear an eviction in the coming six months, compared to male returnees. Overall nine per cent, nearly one in 10, of displaced women, report their property as occupied by community or tribal leaders, militias and security forces<sup>3</sup>.

Despite protections for women's housing, land and property rights in Iraqi law, 43 per cent of the Iraqis NRC surveyed did not agree with the statement that women could own all types of property. One in five women surveyed by NRC stated that under Iraqi law women were not entitled to property following divorce, and 18 per cent said they had no inheritance rights. One in three said that in reality women received nothing following divorce and nearly one in four (23 per cent) said they had no inheritance rights in practice.

The difficulty for conflict-affected women in Iraq to protect and claim their property, NRC research shows, is based on four key interlinked factors: the interplay between formal and customary norms regarding women's right to own and claim property; perception and community knowledge of women's rights to own and claim property; lack of documentation of women's property rights; and the treatment of women who are perceived to be affiliated with IS.

Measures to contain the Covid19- virus, including the closing of businesses and government institutions, including courts, as well as far reaching mobility restrictions imposed through a comprehensive curfew, risk making the situation even worse for Iraqi women. Loss of livelihoods in particular will expose vulnerable households to unsafe housing arrangements, illegal increases in rent and eviction while access to legal services for HLP dispute resolution are unavailable. An NRC assessment in April 2020 showed that 64 per cent of respondents in rented accommodation predicted that they would not be able to pay their rent in the next three months. 42 per cent of those respondents expected to be evicted as a result.

Housing, land and property rights for women cannot be addressed solely through the rebuilding of physical infrastructure. Secure housing and access to land for Iraqi women must instead form the foundation of a sustainable return to normality in Iraq, including as it responds to and eventually recovers from the Covid-19 pandemic.

## KEY RECOMMENDATIONS:

### Government of Iraq should:

- Include women's access to housing, land and property as a priority in the procedures for document recovery and reconstruction of the land registration infrastructure.
- Take steps to end harassment and exploitation of women at government institutions that distribute civil documentation, and housing, land and property documents.
- Raise awareness about women's housing, land and property rights stipulated in national laws, including through a specific communication campaign.
- Develop the capacities of justice administrators and officers on women's housing, land and property issues. This should include formal, religious and customary officials.
- Delink 'security clearance' processes from the procedures to obtain civil documentation.
- Suspend all evictions and utilities cut offs for the duration of Covid-19 public health measures, as well as the collection of rent, utilities, debts, and mortgage repayments for vulnerable households.
- Develop and implement expedited judicial procedures for deciding HLP disputes, in particular given the increasing backlog of HLP cases generated by Covid-19.

### Donors, including international financial institutions, should:

- Condition humanitarian, development and reconstruction funding on compliance with minimum standards to protect and promote women's rights, including procedures that ensure women's security of tenure.
- Invest in strengthening the capacities of Iraqi women and women's associations to claim housing, land and property rights.

### Humanitarian and development agencies in Iraq should:

- Ensure that women's housing, land and property rights are taken into account in shelter, livelihoods and mine action project design.
- Ensure women and/or women's groups have been consulted on their housing and land tenure security and include women in decision-making bodies.
- Advocate for safe ways of including women on ownership documents or on property leases.

## 1 BACKGROUND: HOUSING, LAND AND PROPERTY RIGHTS IN IRAQ

Iraq has experienced repeated cycles of conflict, massive displacement and destruction over the past three decades. Even before the recent conflict with the Islamic State group (IS), Iraq's population had been subjected to the violence of the Ba'ath regime, the Iran and Gulf wars, the US invasion and occupation and subsequent civil conflict.

Each caused widespread property destruction, illegal confiscation and occupation of property by armed actors and the establishment of several overlapping land governance regimes.

The most recent war with IS led to unprecedented destruction of homes and infrastructure in north and central Iraqi cities and towns. At least 138,000 homes were damaged or destroyed and<sup>4</sup> more than 6 million Iraqis fled their homes. For the 1.4 million people who remain displaced, inability to access adequate shelter is one of the primary reasons preventing them from returning home<sup>5</sup>. Many of those who have managed to return to their original villages and towns still struggle to secure a home and effectively rebuild their lives. Many Iraqis are not able to demonstrate their ownership rights because they don't have access to relevant documents.



Rabiya – Displaced with seven children  
Photo: Helen Baker/NRC

## Methodology and sources for this report

The information and analysis in this report is based upon NRC's programmatic experience in assisting women with housing, land and property issues in Iraq, in-depth interviews with women and other key stakeholders, focus group discussions, including separate focus group discussions for men and women, and a large scale quantitative survey in 2019. In total, NRC surveyed 1,002 people, held 64 focus group discussions and 59 in depth interviews with key informants across Dohuk, Ninewa, Kirkuk and Anbar governorates<sup>6</sup>. NRC also conducted a thorough desk review of existing literature on housing, land and property issues in Iraq, and the report also draws on a rapid needs assessment carried out after the outbreak of the Covid-19 pandemic. NRC has assisted 29,971 women as part of its information, counselling and legal assistance programme in Iraq since 2018.

In addition to the physical destruction of property, the legacy of armed conflict and political divisions in Iraq continue to have an impact on the governance of housing, land and property in the country. Formal land governance regimes date back as far as the Ottoman Empire and overlap with tribal division of land rights that influence ownership disputes to this day. In Sinjar for example, competing land claims by Arab and Kurdish communities date back to the Arabisation policy of the 1970s, through which Yazidis in particular were denied formal ownership rights<sup>7</sup>. In addition, due to the disputed governance mandate between the Kurdistan Regional Government (KRG) and the Iraqi Central Government, the property rights registry in Sinjar is not operational and cannot therefore support resolution of land claims. This leads to uncertainty and conflict, with vulnerable groups, including women and certain minorities, facing the highest barriers to exercising their rights.

The recent conflict with IS has added another layer of complication to land governance in Iraq. The group systematically confiscated property from

those deemed disloyal, such as Yazidi, Christian and Shia communities, as well as persons affiliated with the Iraqi government and its security services<sup>8</sup>. Confiscation led to redistribution and sale of both housing and agricultural land. In many cases new owners were provided with a written sales document, the legality of which has since been rejected by the Iraqi Government. However, the fact that these property transfers are not recognised by the Iraqi authorities does not mean that the secondary occupiers are ready to vacate, creating more overlapping claims on single pieces of property. When areas were retaken by the Iraqi Armed Forces and allied militias, properties of displaced people were often occupied by these forces.

These factors have led to a critical shortage of adequate housing, illegal occupation and land grabbing, as well as a host of competing property claims. The widespread destruction of land registries during the conflict has exacerbated these problems and hampered the ability to resolve them.

Measures to contain Covid-19, such as the closing of businesses and government institutions, including courts, as well as far reaching mobility restrictions through a comprehensive curfew, risk making the situation even worse. Loss of livelihoods in particular will expose vulnerable households to unsafe housing arrangements, illegal increases in rent and eviction, while access to legal services for HLP dispute resolution are unavailable. An NRC assessment in April 2020 on the impact of Covid-19 containment measures found that 66 per cent of respondents indicated that they would not be able to pay their rent in the next three months. Moreover, 76 per cent of those who were not able to pay rent indicated that they did not know what to do about negotiating this situation.

NRC's survey in 2019 found that, of all the governorates, respondents in Kirkuk were the most likely to report that ongoing disputes in their communities were the result of land sales during the IS period (29 per cent in Kirkuk compared to 12 per cent on average in the full sample) and that a housing, land or property asset in their place of origin was in dispute (16 per cent).

## 2 WHY IT IS HARDER FOR WOMEN TO CLAIM THEIR HOUSING, LAND OR PROPERTY

NRC's research found that women are consistently more likely to live in poor or inadequate shelter, experience greater fear of eviction, and are less able to claim their housing, land and property rights. NRC's survey in 2019 found women were 11 per cent more likely to live in an overcrowded shelter compared with male respondents. Women were nine per cent more likely to fear eviction, and women who had returned after displacement were 14 per cent more likely to fear an eviction in the six months ahead, compared to male returnees. With regards to claiming inheritance – one of the most important ways for women to gain access to agricultural land in particular – 19 per cent of all respondents reported that in reality women's inheritance rights are not recognised and applied..

Women's rights to use, control or own housing, land, and property affects almost all aspects of their lives in Iraq. The difficulty for conflict-affected women to do so, NRC research shows, is based on four key interlinked factors: the interplay between formal and customary norms regarding women's right to own and claim housing, land or property; perception and community knowledge of women's rights to own and claim housing, land or property; lack of documentation of women's housing, land and property rights; and the treatment of women who are perceived to be affiliated with IS.

### 2.1 Formal and customary norms

Protecting the housing, land and property rights of all Iraqis, including women, falls in line with Iraq's international obligations. Iraq has ratified the most important international treaty on women's rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), albeit with reservations to the articles that call on parties to modify or abolish existing laws that discriminate against women<sup>9</sup>. In addition, Iraq has been a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) since 1971, which means it has committed to promote and protect the right of all its citizens to adequate housing, including legal security of tenure, and to penalise those who infringe upon these rights<sup>10</sup>. Iraq also adopted the Cairo Declaration on Human Rights in Islam, as a Member of the Organisation of Islamic Cooperation<sup>11</sup>. This Declaration entitles everyone in its Member States to own property and entitles everyone to the associated rights of ownership (such as enjoyment and disposition). Both the ICESCR and Cairo Declaration apply to women and men equally.

These obligations are reflected in Iraqi law. The Constitution of 2005 states that all Iraqis are equal before the law and prohibits discrimination based on sex (Art. 14). As a result, for example, Iraq's Civil Code uses gender-neutral language where it recognizes the right to private ownership of property, the ability to rent, mortgage, buy and sell. In fact, it explicitly notes that *tasarruf* rights, a type of extensive use rights over land, should be inherited equally amongst men and women.

However, women's enjoyment of these rights as they are set out in the Constitution and Civil Code is often at odds with laws that govern the division of matrimonial assets and inheritance. An important pillar of Iraqi society is formed by *Sharia* law. Under this religious law, a woman has no restrictions on purchasing land from her own earnings or receiving land and other property as gifts or dowry. Although women retain individual property rights when marrying and may acquire land in their name through inheritance, women's inheritance shares are generally half that of men<sup>12</sup>.



The system of state law is complemented by the tribal justice mechanism, which, together with the norms of *Sharia*, form the pillars of Iraqi society<sup>13</sup>. Article 41 of the Constitution stipulates that Iraqis are free to govern their personal status, such as marriage, inheritance and division of property between husband and wife, according to their religions, sects and beliefs. The latter are often much more restrictive with regard to women's ability to independently claim and protect property ownership.

For example, the right to inheritance, *mahr* (bride price), is essential to a women's economic independence. *Mahr* enables women to own a share of the property within the marriage, thereby making her a party to the marriage contract instead of an object for sale. Her right to receive and independently own *nafaqa* (alimony) greatly strengthens her ability to make decisions about her own life after a divorce.

Localised customary norms are often restrictive with regard to a woman's right to independently hold *mahr* and *nafaqa* assets.

In the course of its research, NRC found that these customary and religious justice mechanisms, as opposed to the formal justice mechanism, are often regarded as the most reliable and socially acceptable route to justice in relation to ownership of property. One woman told NRC that "community leaders decide who should have what. Heads of tribes and community leaders are more important than the government<sup>14</sup>." The tribal justice system is dynamic in nature and evolves its administration of justice in a way that is responsive to the ever-changing Iraqi context. In that sense the tribal justice also offers opportunities for change when it comes to strengthening Iraqi women's ability to claim and protect their property. tribal justice also offers opportunities for change when it comes to strengthening Iraqi women's ability to claim and protect their property.

Kutayba, 39, fled from Nimrud district in Mosul and has been living in a displacement camp since 2018. Her husband, who owned the family property, was killed during the retaking of Mosul in 2018. She told NRC that her husband "*bought the house from his father without a contract. And now I cannot even prove that [it] belongs to us.*"

She continued that even if the house was registered in her name, it would not change her situation. On her hopes and fears the future, Kutayba says she fears for her younger sons, having lost 3 already and that "*there is nothing to return back to. My tribe will never let me go back*".



Kutayba, 39, from Mosul, displaced since 2018  
Photo: Helen Baker/NRC

## 2.2 Perception and community knowledge of women's rights

NRC's research found that most men and women know, to some extent, of women's rights in national law. When NRC asked about understanding of the rights women have to independently own property, however, only 57 per cent of respondents reported that women could own all types of real estate under Iraqi law. Women themselves appear to have less awareness of their rights by law than men do. Male respondents were 16 per cent more likely to report that women could own all types of property compared with female respondents. Instead, female respondents were 12 per cent more likely to report that a woman could only own property with her husband's permission. Unsurprisingly, women were seven per cent more likely to report that they didn't know the rules around women's property ownership compared with male respondents.

While there are marked regional differences<sup>15</sup> in focus group discussions men often referenced 'tradition' and 'custom' to justify not recognising their wife, daughter or sister's housing, land and property rights. Men often do not allow women to be included on ownership or lease documents, which makes women entirely dependent on men for safe housing; a precarious position for many women in post-conflict Iraq.

Furthermore, one in five women surveyed by NRC stated that under Iraqi law women were not entitled to property following divorce, and 18 per cent said they had no inheritance rights. One in three said that in reality women received nothing following divorce and nearly one in four (23 per cent) said they had no inheritance rights in practice. A minority of women said that they had been offered some part of their inheritance from their families, but most of them gave up their shares to their male family members. Men in focus groups said that women did this willingly because "most women don't want their inheritance." In contrast, women responded that they felt they had to give up inheritance rights to avoid family conflict societal disparagement, and the risk of losing access to their children.

Importantly, Iraqi women may not know how to claim their housing, land and property rights: one third of women asked by NRC do not know where to seek support to resolve a dispute, and men were far more likely to list multiple remedies than women. Even when women do have this knowledge, without a male intermediary their ability to access state institutions or tribal justice structures is very limited<sup>16</sup>. It is not customary for a woman to approach a sheikh without her husband's approval. In fact, doing so may be considered grounds for divorce<sup>17</sup>.

Sidestepping tribal authorities by making use of the formal justice system can result in public disgrace and shame, which in turn may cause their own families to react by expelling women from the family and evicting them from the family home.

Unaccompanied women also reported facing pressure through sexual harassment: several women told NRC that they were asked to trade sexual favours to obtain government documents, reflecting a pattern of sexual exploitation of displaced women<sup>18</sup>. One woman told NRC she was afraid of state authorities as "they might abuse us or humiliate us. I am not confident enough to knock on government offices doors".

Samira from Ankour in Anbar was displaced to Amariyat al Fallujah camp, where they stayed for two years. After the death of her husband Samira was unable to return to their home as her husband's sons told her she could not. She did not have property documents in her name and went instead to live with her sick parents. *"My husband's sons will not accept my return to my home. They say I have no right to his house or his money"*.

After an intervention by the local leader, known as *mukhtar*, the sons agreed to give a portion of the money her husband left.



Laylan Camp, Kirkuk  
Photo: Helen Baker/NRC

### 2.3 Lack of documentation

*“Because our name is not included on ownership documents for our house, we cannot claim inheritance rights<sup>19</sup>.”*

Many of those fleeing conflict either lost or left behind their civil documents, title deeds and rental contracts or had these documents confiscated. Previous research by NRC found that at least 80,000 families reported missing at least one form of civil identification, such as birth, marriage, and death certificates<sup>20</sup>. One 47 year-old woman who fled Hawija in 2017 with her seven children told NRC that *“when we fled, we left everything in the house. We did not really think of house ownership documents. We only wanted to get somewhere safe<sup>21</sup>.”*

The conflict with IS also saw destruction – both deliberate and incidental – of civil registries which hold housing, land and property documents, such as leases or ownership deeds. In addition, IS applied a systematic approach to the confiscation and sale of private property in areas under its control and engaged in targeted destruction of Iraq’s land administration infrastructure, and in certain locations set up a separate system unrecognised by the state of Iraq.

The inability to access property documents was reported by female respondents to NRC’s survey as a particular issue for them, as they were six per cent more likely to report not possessing a written lease agreement compared to men. As is often the case in Iraq, the situation tends to be highly localised. In a recent assessment 42 per cent of female headed households in Ninewa and 30 per cent in Anbar reported that they lacked documentation for housing and land, versus 47 per cent and 51 per cent of male headed households respectively<sup>22</sup>. The practical implications of this lack of documentation cannot be underestimated; an ownership document may prevent illegal occupation of housing and land and a formal lease agreement protects tenants from illegal evictions. Evictions are a common occurrence in Iraq. An extreme case is to be found in Sinjar, an area with particularly low level of documentation, 24 per cent percent of female headed households reported having been evicted from their homes, versus 17 per cent of male headed households.

NRC’s research found that a person’s place of origin also shapes the challenge that missing and destroyed documents present to enjoying HLP rights.

For example, it is particularly difficult to obtain and replace documents in Mosul city as security clearance is required (see below on challenges of women perceived as affiliated to IS). The absence of land documentation also presents significant challenges for women in Anbar governorate. NRC's survey found the lowest level of property documentation in Anbar compared with the other governorates, particularly areas outside of official city limits, as well as higher reported levels of property destruction and damage. The government requires an "endorsement" document that verifies an unofficially documented claim to a parcel of land or a housing unit and includes the statement of two witnesses. Women reported that it was harder for them to obtain this document compared with men. This has implications for return in Anbar as women often cannot therefore demonstrate their claim to their place of previous residence. The closure of courts as a result of Covid-19 measures will worsen the already massive backlog of cases in the most affected areas in Anbar, Ninewah and Kirkuk, and further delay resolution.

#### **2.4 Treatment of women who are perceived to be affiliated with Islamic State group**

Women who are perceived to be affiliated to IS, often by virtue of marriage or other family ties to those alleged to be members of the group, have greater difficulty in resolving disputes and obtaining the right documents. They are also more likely to be missing documents and face additional barriers to obtaining them<sup>23</sup>, particularly women whose husbands are missing or killed.

One woman told NRC that "women whose husbands are dead or missing are the most vulnerable – when they face secondary occupation of their house, or want to claim inheritance – they don't get protection from the government or the local community ... Particularly IS affiliated families<sup>24</sup>." Ironically, women whose husbands are alive and who have been convicted under the anti-terrorism laws have a clearer path to obtaining documents.

Women displaced from areas formerly held by IS often have civil documents such as birth certificates for their children or marriage certificates issued by the armed group, or no documentation at all.

For these women, issuing of official government documentation is often made conditional on a *tabrea*, which is a public announcement by the woman in question that she denounces her affiliated relative and the crimes he is accused of. The term *tabrea* doesn't actually appear in legislation, but has a strong cultural connotation effectively admitting guilt on behalf of an accused IS member. Engaging in this procedure leaves a woman exposed to social rejection, expulsion from both the spouse's and her own family and even violent repercussions from the accused's relatives and others.

More fundamentally, the authorities which are often relied upon to claim their housing, land and property rights and resolve disputes are not seen as recourse by many of these women. Instead they are seen as threats in themselves as these women fear reprisal from tribal and community members as well as from the state authorities. One such woman, a 44-year-old with six children, told NRC that she cannot return to her area of origin to check her home. "I am afraid of going there. Whoever took my husband might take my children as well or harm them. Some people say our house is destroyed, others say it's burned<sup>25</sup>."

Women consistently told NRC that they are afraid to approach the relevant authorities to obtain the civil documents necessary to make a claim on an asset, and the process itself is perceived as predatory. In Kirkuk focus group discussions women cited long delays, corruption, and specific targeting of women who are perceived to be affiliated with IS.

NRC's experience is that the houses of individuals perceived to have been affiliated with IS are more likely to be occupied by local leaders and their relatives or armed actors than other houses. In Anbar, men and women report that some families cannot return home because either the PMU or local government has illegally confiscated property due to perceived IS affiliation<sup>26</sup>. Qualitative information collected in Kirkuk governorate points to a similar trend. Overall nine per cent, nearly one in ten, of displaced women report their property as occupied by community or tribal leaders, militias and security forces<sup>27</sup>.

*"My children are paying for what their father has done."*

Khamael is 35 and lives in Hamam al-Alil displacement camp with her six children. She was displaced from Mosul in 2017 and her husband, who was a member of IS, is missing presumed dead.

Her husband owned property in Qayara as well as renting property in Mosul city. She told NRC that the property remains in good condition but has been taken over by members of her husband's family and they will not give her the share she is entitled to. *"Only tribal leaders can decide if we can go back or not, if we can have our property back or not. Official papers will not change anything."* She said her life has been threatened and even her parents, who were allowed to return from the camp as they were sick and elderly, had been targeted and forbidden from talking to her.

She says she wants to leave the camp, but that she *"can't go live anywhere else because I don't have enough money to afford getting a place for me and my children. I don't know when the government will decide to close down this camp. If that happens I have nowhere to go."*



Laylan Camp, Kirkuk  
Photo: Helen Baker/NRC

## HUMANITARIAN AND DEVELOPMENT ACTORS' APPROACH

Humanitarian and development agencies, as well as donors and international financial institutions can play a key role in promoting women's rights in post-conflict reconstruction. The current context in Iraq, with an increased focus on returns and reintegration, presents a unique opportunity to ensure women's security of tenure and insist that women are better able to access their housing, land and property rights. Aid agencies and donors can require that women be included in decision-making processes affecting their rights and be treated on an equal basis with male household members.

An example of good practice can be found in Gaza where in 2015 UNRWA – the UN agency for Palestine refugees – amended its previous policy of listing only the head of the household, typically male, on the rental agreements to include all adult members of the household, including the female spouses.

Women interviewed by NRC said that seeing their name on the lease agreement for the first time was empowering, particularly as they felt they were being treated as equal partners in the household.

NRC has adopted this approach in Iraq where it has worked to provide shelter upgrading within the Yazidi host and displaced communities since 2017 and has required women to co-sign lease agreements with their husbands for upgraded houses<sup>28</sup>. From the 1,000 cases where NRC has provided shelter support in this context, not a single woman has come forward with a dispute or an issue relating to the property documented in their name.



Hamam al-Alil Camp, Kirkuk  
Photo: Alan Ayoubi/NRC

## RECOMMENDATIONS:

Housing, land and property rights for women must form the foundation of a sustainable return to normality in Iraq. Secure housing is a precondition for consistency and stability, while access to land can provide a springboard to economic recovery at the household level. This will require concerted action by national and local authorities in Iraq, as well as by humanitarian and development agencies and international donors.

### Government of Iraq should:

- Specifically include women's access to housing, land and property as a priority in the procedures for document recovery and reconstruction of the land registration infrastructure.
- In liaison with national women's rights organisations, and ensure there is guidance for implementing agencies on protection of women's housing, land and property rights.
- Establish a reporting mechanism for harassment of women at government institutions that distribute civil documentation and housing, land and property documents.
- Establish an effective accountability mechanism for civil servants involved in abuse of power in cases that involve women.
- The ministries of justice in Federal Iraq and Kurdistan Region of Iraq, in collaboration with the ministries of housing and agriculture should raise awareness about women's housing, land and property rights stipulated in national laws, such as women's independent property ownership and equal inheritance of tasarruf rights, including through a specific communication campaign.
- The Supreme Judicial Council should endeavour to develop the capacities of justice administrators and officers, on women's housing, land and property issues. This should include formal, religious and customary officials.
- The Supreme Judicial Council should also issue instructions and specific measures to the effect that women have increased independent access to justice and dispute resolution mechanisms; and
- Delink 'security clearance' processes from the procedures to obtain civil documentation.

- Suspend all evictions and utilities cut offs for the duration of Covid-19 public health measures, as well as the collection of rent, utilities, debts, and mortgage repayments for vulnerable households, regardless of the nature of their tenure type or status.
- Address the anticipated backlog in the processing of HLP related cases generated by Covid-19, by developing and implementing expedited judicial procedures for deciding HLP disputes.

### The Tribal Confederation (Qabalah) of Iraq should:

- Increase liaison with tribal leaders and local authorities to help better protect women at risk of losing access to their housing, land or property and to mitigate the divergence from the protections for women afforded by Iraqi law.

### Donors, including international financial institutions, should:

- Condition humanitarian, development and reconstruction funding on compliance with minimum standards to protect and promote women's rights, including due diligence procedures that ensure on women's security of tenure.
- Invest in strengthening the capacities of Iraqi women and women's associations to claim housing, land and property rights.

### Humanitarian and development agencies in Iraq should:

- Provide information and legal support to Iraqi women to raise awareness of women's rights and increase their ability to claim and protect their housing, land and property rights.
- Ensure that women's HLP rights are taken into account in shelter, livelihoods and mine action project design including exercising due diligence that is sensitive of the potential of harming women's' HLP rights.

- Ensure women and/or women's groups have been consulted on their housing and land tenure security and other specific needs that women may have when implementing programmes.
- Advocate for safe ways to include women on ownership documents, or on property leases, confirming their joint rights of usage of the property.
- Consult women on their needs in shelter design, particularly in spaces more often used by women and children.
- Include women in decision-making bodies on shelter, reconstruction, agricultural land governance, mine clearance.



Laylan Camp, Kirkuk  
Photo: Helen Baker/NRC



# Endnotes

- 1 Over 300,000 still unable to go back home two years since end of war, NRC, July 2019 <https://www.nrc.no/news/2019/july/mosul-over-300000-still-unable-to-go-back-home-two-years-since-end-of-war/>
- 2 Reconstructing Justice in Iraq: customary justice and housing, land and property in Anbar and Nineveh, Norwegian Refugee Council, Draft 2019.
- 3 This is over twice the rate reported by men, four percent.
- 4 Over 300,000 still unable to go back home two years since end of war, NRC, July 2019 <https://www.nrc.no/news/2019/july/mosul-over-300000-still-unable-to-go-back-home-two-years-since-end-of-war/>
- 5 REACH assessment of HRP
- 6 The survey included 1,002 respondents. Twenty-five percent of respondents were located in Anbar governorate; 14 percent of respondents were located in Dohuk governorate; 15 percent of respondents were located in Kirkuk governorate; 46 percent were located in Ninewa governorate. Four percent of the respondents were refugees from Syria. In depth interviews focused on displaced women, but also included displaced men and local leaders. Focus group discussions were separated by gender and where possible by age, and included host community members as well as internally displaced persons. These were held in Dohuk, Ninewa, Kirkuk and Anbar governorates. Due to the sensitivity of the subject, all names of people whose stories are included in this report have been changed to protect their privacy.
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- 21 In depth interview, female IDP, 47 years old, Laylan Camp Kirkuk, February 2020.
- 22 REACH – Civil Documentation and Housing, Land and Property needs in Iraq, February 2020”..)
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