

# Decades of wars in Iraq and Yemen and the protracted displacement crisis: The impact on women and children

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**Abstract:** *Decades of armed conflict in Iraq and Yemen have forced millions of Iraqis and Yemenis to flee their homes, with most of them becoming displaced within their own countries. When displacement decreases living standards, increases protection needs, reinforces harmful gender stereotypes and perpetuates socioeconomic disadvantages, women and children, who make up 80 percent of the world's Internally Displaced Person (IDP) population, are particularly vulnerable. Unlike refugees, who cross an international border, IDPs do not benefit from special protection under international law, leaving individual states as the most important actors in upholding the rights and meeting protection needs of IDPs. For this reason, both Iraq and Yemen have adopted national policies addressing internal displacement based on the UN Guiding Principles on Internal Displacement, a non-binding set of standards which outline the protections available and establish best practice regarding IDPs. This paper seeks to examine the main impacts of internal displacement on women and children in Iraq and Yemen in four key areas: (1) security, (2) health, (3) education and (4) livelihood; it outlines how poor outcomes in each adversely affect the others and increase the likelihood of displacement becoming chronic. It further seeks to analyse the two countries' respective national policies on internal displacement and the humanitarian response through their impacts in the above areas on the most vulnerable IDP communities, namely women and children. It finds that while the countries' respective IDP policies are a vital first step in addressing the issue, the ensuring of protection needs and rights of IDPs in Iraq and Yemen will require more resources, stable administration, corridors for humanitarian aid and for both countries to hold themselves to their own commitments.*

**Key Words:** *Yemen; Iraq; internal displacement; women; children; UNGPID; security; health; education; livelihood; vulnerable groups; gender-based violence; protection; humanitarian aid; policy response*

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## **1. Introduction**

### **1.1 Background**

According to the United Nations Commission on Human Rights' 1998 Guiding Principles on Internal Displacement (UNGPID), IDPs are defined as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border" (OHCHR, n.d.). Particularly in cases of armed conflict, IDPs suffer a higher rate of mortality than refugees or the general population and are at heightened risk of physical attack, sexual assault or abduction, and often lack fundamental rights (OHCHR, n.d.).

The majority of IDPs worldwide are women and children, who disproportionately struggle to exercise their basic rights (OHCHR, n.d.). Additionally, they frequently remain close to or trapped in active conflict zones (UNICEF 2016) where the prospect of getting caught in crossfire or becoming targets, human shields or bargaining chips in the armed conflict looms large (UNSC 2012). The nature of non-international armed conflict also means that states in which IDPs remain often lack the ability or political will to provide basic public services to their citizens in or near active conflict zones, and international organisations face political or logistical difficulties accessing IDPs to provide the monitoring, accountability and humanitarian assistance which would fall under their mandates in the case of refugees or international armed conflicts (Mooney 2016, 177–178).

The UNGPID provide a clear definition of what constitutes an IDP, with this definition encompassing a variety of affected groups. Their vulnerabilities are far-reaching and can extend to multiple generations. IDPs are frequently denied basic rights, and their precarious living conditions often lead to significantly higher rates of physical and mental health issues. Displaced women and children are particularly vulnerable to systemic violence and oppression with little recourse or reliable support structure.

### **1.2 Context**

According to the United Nations (UN), Yemen is experiencing the world's worst humanitarian crisis (UNHCR 2022a) and hosts the fourth largest IDP population (OCHA 2022d, 9), with more than 4.3 million IDPs, of which up to 79 percent are women and children, with 1.6 million dispersed among 2,200 hosting sites across the country (UNHCR 2022c). As reported by the UN High Commissioner for Refugees (UNHCR), humanitarian aid currently only reaches about half of those in need.

A similar situation is unfolding in Iraq, which ranks third in the world in the number of displaced people and sixth in the rate of forced displacement (Kaya 2018), with around 1.2 million IDPs as of July 2021. By March 2022, there were around 93,000 female and 87,000 male IDPs living in the remaining camps, 46 percent of whom were children under 18 (OCHA 2022a, 42). The numbers have decreased since October 2020, when the Iraqi Government decided to gradually close some camps and resettle IDPs in their areas of origin. Following the closure of thousands of camps, 4.9 million IDPs have been forcibly or voluntarily returned (UNICEF 2021b). Many are unwilling or unable to return to their homes and the closure of camps has merely led to secondary displacement elsewhere, joining the approximately one million IDPs residing primarily in informal shelters in or near urban areas (OCHA 2022a, 42).

In Iraq, armed groups continue to conduct sporadic attacks, leading to the persistence of new displacements, albeit on a smaller scale (NRC 2021, 35). Additionally, the impacts of COVID-19 have reduced incomes, created obstacles for humanitarian actors, and disrupted education which has precipitated an increase in cases of gender-based violence (GBV) (UNHCR, n.d.). As for Yemen, war has led to the collapse of the local economy and a decrease in purchasing power, with about 80 percent of the population now living below the poverty line (Oxfam, n.d.). Approximately five million Yemenis are suffering from starvation, with the displaced four times more likely to fall into famine than other Yemenis (UNHCR 2021).

Both countries, like others with Islamic traditions, are still governed by a patriarchal society characterised by vast and rigid gender inequalities that affect all aspects of women's lives. This permeates the legal system of both countries, in which men are considered 'protectors' of and thus the ultimate arbiters of women's lives (el-Zein 2013, 6). Women are deprived of agency and severed from protection mechanisms in precisely the context where they are most needed. This has led to significant repercussions for IDP women who have suffered GBV or been arbitrarily deprived of their basic rights.

The conflict in Yemen has adversely affected the majority of the population, with millions of Yemenis displaced, impoverished, and vulnerable to hunger, disease and exploitation. Despite the progress, there is still a need to improve conditions for IDPs in Iraq, as many live in poor and overcrowded camps or informal settlements with limited access to basic services such as healthcare, education and sanitation. This combination of armed conflict, economic collapse and COVID-19 has taken a heavy toll on civilians in both countries. The devastating humanitarian crises unfolding in Iraq and Yemen are of grave concern, particularly as they relate to the safety and wellbeing of vulnerable populations. Chief among

those are displaced women and children who face poor outcomes in the areas of security, health, education and livelihood. As a result, those most vulnerable have no means of protecting themselves, leaving them exposed to cycles of further violence, neglect and injustice.

### 1.3 Framework

Unlike refugees, who are guaranteed protection under the 1951 UN Refugee Convention, IDPs have no special status under international law as long as they remain within their country's internationally recognised borders. *IDP* is merely a descriptive term that does not confer any additional legal protection. IDPs are granted protection through international human rights instruments and customary law (which apply to all humans), and domestic law; in cases of armed conflict, they enjoy the same protections as all civilians under IHL.

The most comprehensive instrument in international law regarding IDPs is the UNGPID which compiles existing international human rights law and IHL principles relevant to IDPs and attempts to clarify grey areas and gaps in international legal instruments concerning internal displacement (Hickel 2001, 699–711). While the Principles provide a useful framework, they are not legally binding. For this reason, as well as for the difficulties surrounding the implementation and enforcement of international law, states remain the most important actors in the protection of IDPs, and therefore the UNGPID encourage the incorporation of their provisions into national legislation which both Iraq and Yemen have done to varying degrees.

When displaced persons do not cross international borders and the armed conflicts which lead to their displacement are deemed non-international, international law instruments are weaker and harder to enforce, and organisations dedicated to the protection of displaced persons or civilians in armed conflict face additional obstacles assisting vulnerable groups. The UNHCR does not have a general mandate for providing international protection to IDPs, and its involvement is subject to requests for authorisation from competent UN organs and the consent of the state concerned (UNHCR 2016). Meanwhile, belligerent parties often prevent the ICRC from accessing civilians in non-international armed conflicts by denying the existence of an armed conflict in order to avoid being bound by IHL or conferring legitimacy on their opponents (Mack 2008).

### 1.4 Methodology

This paper examines the response mechanisms to the issue of internal displacement in Iraq and Yemen through the lenses of the 1998 UNGPID as an instrument of international soft law, domestic legislation, and the policy provisions of both countries. Though armed conflict, insecurity and

climate change have long been drivers of displacement across the Arab World, this research focuses on Iraq and Yemen due to their incorporation of the UNGPID into their domestic legislation. Nevertheless, IDPs in both countries still face many challenges in receiving the necessary support pledged to them in these national policies.

The first to feel the effects of changes in both the security situation and policy are always those who are most vulnerable. Therefore, the scope of this research has been narrowed to IDP women and children, who are more vulnerable to displacement and the adverse effects accompanying it, especially in the Arab World, which is still governed by rigid gender norms. This research aims to underline the precarious conditions they face and to explore the merits and shortcomings of a policy and humanitarian response built around the UNGPID through their impacts on displaced women and children in Iraq and Yemen. This study solely relied on secondary data due to the volume of reports and analysis as well as the time and budget limitations. To understand the plight of these vulnerable populations, this research utilised a wide range of sources, including UN and non-governmental organisations' reports and documents, books, research papers, journal articles, media articles, and web archives. Additionally, while the reasons behind the displacement are manifold, not all the factors have been included in this research. Its focus was limited to the main causes which have a significant and persistent impact on the current situation of many IDPs, such as the ongoing war in Yemen, the conflict and presence of ISIS in Iraq, and the COVID-19 pandemic.

## **2. Displacement as a consequence of war in Iraq and Yemen**

### **2.1 Harsh realities of war in Iraq and Yemen**

In Iraq, the war with Iran in the 1980s, the US invasion of 2003, and intermittent sectarian conflict meant that there were already 2.1 million IDPs in the country before the latest wave of displacement in 2014 (Bauer 2021). As Bauer chronicles, the 2006 bombing of the al-Askari Mosque in Samarra sparked a wave of sectarian violence between the country's Sunni and Shia communities. The government's crackdown on Arab Spring protests in 2011 and subsequent instability further deepened sectarian divisions, which Sunni extremist groups exploited by launching an insurgency and declaring an Islamic Caliphate in 2014. That year alone saw a staggering 2.2 million newly displaced within the country (Anzellini et al. 2021), particularly in the north, as the Iraqi government launched military offensives to regain ISIS-controlled territory that would last until December 2017.

Initially, most of the displaced fled to urban areas, but after the government adopted stricter policies, camps were established in each governorate to which all newly displaced people were directed (Euro-

Med Monitor 2021). Since the defeat of ISIS, returns have outnumbered displacements, with approximately 4.8 million IDPs returning to their homes in the three years since December 2017 (Euro-Med Monitor 2021). The government has been encouraging returns and closing camps, with formal camps remaining only in Kurdistan and Anbar Governorates (Anzellini et al. 2021).

In Yemen, the conflict traces back to the 1960s when an assassination attempt on the monarch of then-independent North Yemen led to an eight-year power struggle between Sunni royalists in the south and Shia republicans in the north (Orkaby 2021, 56). Orkaby, in his book *Yemen: What Everyone Needs to Know*, explains that the conflict quickly became a proxy of the Arab Cold War, with Arab Nationalist Egypt backing the republicans and the Saudi Kingdom backing the royalists, and developed into a war of attrition. The eventual stalemate, a pyrrhic republican victory, was codified with a ceasefire, a power-sharing agreement that both sides begrudgingly accepted, and two decades of relative stability (Orkaby 2021, 58). In 1990, North Yemen unified with communist South Yemen, adding a third faction dissatisfied with the distribution of power (Orkaby 2021, 65). A civil war in 1994 saw Northern forces crush a secessionist movement in the South and consolidate power; meanwhile, the northern highlands remained neglected and underdeveloped (Orkaby 2021, 73). Local Shia tribes felt a stronger allegiance to the Zaidi Imams than to the predominantly Sunni government in Sana'a which had a limited presence in the region (Orkaby 2021, 82). This discontent eventually boiled over in 2004 when the government attempted to arrest Imam Hussein al-Houthi, sparking a Shia insurgency that would engulf the country (Orkaby 2021, 84).

Months of Arab Spring protests in 2011 forced the president into exile, creating a political vacuum seized upon by various factions, including the Houthis, Islamic extremist groups and southern secessionists (Orkaby 2021, 86). As the security situation deteriorated and peace talks faltered, the Houthis captured the capital and large swathes of the populous north, taking over the government in 2014, while the internationally recognised government of Abdrabbuh Mansur Hadi fled (Orkaby 2021, 89). In March 2015, a Saudi-led coalition intervened aiming to reinstate the Hadi government, launching a series of airstrikes against Houthi positions, which along with the war raging across much of the country led to the displacement of 2.2 million Yemenis in 2015 (Anzellini et al. 2021). Changing front lines have led to frequent displacement, including secondary displacements, most notably when Marib, previously a destination for IDPs, became the scene of some of the fiercest battles in recent years (Ghazi 2021). A series of devastating floods and droughts as well as the coalition's blockade on Houthi-controlled territory have exacerbated the humanitarian crisis, with 80 percent of the country's 30

million people in need of humanitarian aid (IDMC, n.d.). On 9 April 2022, the two sides agreed to a two-month UN-brokered ceasefire, with President Hadi handing power to a transitional council and agreeing to negotiations with the Houthis (UN News 2022). But the challenges remain vast even if the ceasefire holds.

The end of hostilities allows displaced people to return to their homes. However, many victims of protracted conflicts lack the means to do so and have little to return to, so they require support from both their governments and the international community in order to return, rebuild, and begin to end the cycle of vulnerability and chronic displacement.

## **2.2 Impact of protracted displacement on women and children**

Within IDP communities, women and children are particularly vulnerable to exploitation, abuse, insecurity and neglect (Buscher and Makinson 2006, 15). While displacement leads to a deterioration of living standards and increased protection needs, it also reinforces harmful gender norms which perpetuate socio-economic disadvantages. Women and girls are often the targets of sexual violence, and they have additional reproductive health needs which go unmet (Brookings-LSE 2014, 1). Displaced children are more likely to be recruited into armed groups, to have their childhoods disrupted as they are forced to take on adult responsibilities, and to face greater barriers to accessing education (Mooney and Paul 2010, 5). Women also make up a higher share of IDPs than among non-displaced populations, since increased vulnerability means they have a lower threshold for displacement and men are more likely to stay and take part in hostilities or be killed in battle (Cazabat et al. 2020, 17). To address the challenges of those facing protracted displacement, it is vital to understand the security, health, education and livelihood challenges facing the most vulnerable members of the community.

Women and children often face heightened security risks, because displacement severs them from family and community structures that would otherwise protect them. IDP camps can be hostile environments due to: the presence of armed groups, traffickers and other opportunists; the lack of privacy, and the necessity of fulfilling basic needs in shared spaces; and the temporary nature of homes in camps which afford their inhabitants less physical security. Twenty percent of displaced women and girls in Iraq reported avoiding certain locations due to safety concerns (REACH 2021), which leads to decreased community engagement and lower rates of school attendance.

Women and children are more likely to experience declines in health when displaced. The causes include inadequate health and sanitation services and facilities, stigmatisation of sexual and reproductive health, and lack of gender-sensitive education on best health practices. Many IDPs

live in areas with limited access to specialised health services including feminine hygiene products, contraceptives, pre- and post-natal care, and early childhood nutrition and immunisation. Internally displaced women and children experience higher rates of post-traumatic stress, depression and anxiety than their non-displaced compatriots (Cazabat et al. 2020). Children are especially vulnerable to water-borne diseases and malnutrition, both of which have reached acute levels in Yemen and are more prevalent among IDPs (UNHCR 2022b). According to the UNHCR report “Yemen: 2022 Strategy and Action Plan”, malnutrition and chronic childhood illness can do irreversible damage to physical and cognitive development (UNHCR 2022b). In Yemen, estimates show that 2.2 million children under 5 years old and 1.3 million pregnant and breastfeeding women will have experienced acute malnutrition in 2022 (DG ECHO n.d.).

Displacement also has life-long consequences when it disrupts education, limiting future opportunities. Lack of education in conjunction with displacement leads to a decline in living standards, with loss of opportunity, property, assets, and social and economic capital; it also creates difficulty in finding new sources of income and livelihoods, by which women are disproportionately affected (Cazabat et al. 2020, 12). IDPs also have higher rates of unemployment, and those who are employed earn less compared to the general population (Cazabat et al. 2020, 13). Discrimination against IDPs, and camps located far from population centres without accessible transportation, create further barriers to employment. While women in both Iraq and Yemen have the legal right to own property and productive assets, social norms denote that single women face additional obstacles securing housing, further hindering returns (OCHA 2007, 10–11). Additional precarity stems from institutions accustomed to male-headed households which may prevent single women from receiving aid access services or obtaining necessary legal documents (Cazabat et al. 2020, 13).

The challenges IDPs face in accessing security, health, education and livelihood all compound each other, with poor outcomes in one area increasing the likelihood of poor outcomes in others along with the probability of displacement becoming chronic (Buscher and Makinson 2006).

### **3. Vulnerability of displaced women and children in Iraq and Yemen**

#### **3.1 GBV against displaced communities in Iraq and Yemen**

GBV is a persistent threat to the lives of women and children (USAID/PHCP 2014, 4). Here too, displaced women have been the most severely impacted, as a result of bearing the burdens of protracted conflict in addition to the continued restrictions of conservative patriarchal societies and the control of men in displacement camps.



In Yemen, conflict, displacement and gender inequality are exacerbating the hardships many women and girls face (Al-Shiqaqi 2021). The conflict has weakened their status in society, which has helped to increase the rates of violence and abuse and erode protection mechanisms against GBV (UNFPA n.d.(a)). This has expressed itself in various forms including restrictions on movement for women and girls, arrests of activists, and impunity for abusers (Ghanem 2021). Moreover, war and instability exacerbate systematic GBV, as women head 21 percent of the displaced families, and often must resort to dangerous work (Ghanem 2021) to support their families and provide income.

With ever more women as primary breadwinners, power dynamics have shifted in their favour, which has been met with violence and resistance by men in conservative societies uncomfortable with women in positions of power (CWPAR 2018). Lack of privacy, shelters, and poor access to basic services pose additional risks to the safety of IDP women in Yemen. Many displaced girls also don't enrol in school because their families undervalue girls' education (UNFPA n.d.(b)).

Unsupported IDP women in Iraq may resort to transactional sex to survive and support their family. This puts them at increased risk of physical and sexual assault, honour killings, harassment, STDs, severe mental trauma and suicide (Johansen 2019). Girls and women are disproportionately likely to be exposed to such violence when they are denied basic rights (Rfaat 2021).

Displaced women in Iraq face many restrictions on movement and contact with the outside world, inter alia, which hinder their ability to meet basic needs. Victims of GBV suffer the repercussions of stigma, inability to report, and fear of reprisals, which amplify vulnerability and result in the acceptance of violence and reluctance to seek protection (Anfal 2020).

Underage marriage is widespread among displaced girls in Iraq and Yemen. Child brides are often subject to verbal and physical violence and unable to file complaints or hold aggressors legally accountable due to tacit acceptance of domestic violence and outdated legislation condoning GBV if the victim is married to her assailant (Shafaq News 2021). Despite general prohibitions on violence in their penal codes, both Iraqi (Davis 2016, 52) and Yemeni (Mwatana 2022, 9) legislation also contain provisions which condone and codify impunity for domestic violence.

### **3.2 Sacrificed generations of children in Iraq and Yemen**

Women and children who flee their homes seek to escape violence in the hope of finding a better future, but often the journey they undertake and the protracted displacement many experience jeopardise their physical and psychological well-being and future prospects. Unfortunately, many

of these children's needs frequently go unmet in both the Iraqi (UNICEF 2018) and Yemeni (Oxfam 2022) contexts since governments lack the skills or means, and NGOs fall short of filling the gaps in services. Meanwhile, exceptional circumstances such as natural disasters or COVID-19 amplify the already numerous difficulties which displaced children face trying to establish themselves and access necessary services, education and humanitarian aid. They often find themselves coping with deteriorating living conditions with limited access to clean water and sanitation and inability to follow basic public health measures such as distancing and self-isolation due to overcrowded facilities.

### **3.2.a The impact of unmet needs on healthcare**

Poor access to clean water, bathrooms and showers had a huge impact on displaced Yemeni children in 2021, with MSF reporting a 44 percent increase in the number of patients (of whom 66 percent were children), with 11 percent of cases experiencing severe malnutrition (MSF 2022). Cases of malnutrition in Yemen are rising as a consequence of contaminated food and inadequate access to hygiene (MSF 2022), leading to diarrhoeal diseases which contribute to acute malnutrition in children (Supernant et al. 2020, 6). A similar phenomenon has occurred in Iraq where contaminated water has led to many cases of diarrhoea, vomiting, rashes and scabies (NRC 2018).

### **3.2.b Access to education**

In Iraq, children affected by conflict have lower rates of school attendance, while COVID-19 has made participation of displaced children, particularly those in camps, even more difficult (Oswald 2019, 4). A major issue is the chronic lack of teachers: the student to teacher ratio in Iraq is already high at around 80:1, but in IDP camps it can be as high as 500:1 (Oswald 2019, 4). Displaced children also face difficulties enrolling in school if they have missed more than two years of school, or missed the enrollment period (Oswald 2019, 6). To make matters worse, the restrictions accompanying COVID-19 rendered education practically inaccessible for displaced children as remote education precluded many from participating, and the increased economic precarity of many families has forced sons to work and daughters to marry at the expense of school attendance (SIDA 2022, 2). Since placement in classes is determined solely by age, children who have missed long periods of school or received inadequate education in overcrowded classes struggle to reintegrate and frequently abandon their education even when conditions improve. The same happens in Yemen where "child marriage and child recruitment [are used] as negative coping mechanisms" (SIDA 2022, 2) as conflict compounded by COVID-19 forces displaced families to make impossible decisions. More than two million Yemeni children are out of school (UN News 2021). Additionally, many schools have been damaged by the conflict or transformed into IDP

camps, while others are excluded by the fact that many schools are just for boys or prohibitively far from the children's location (UNICEF 2021a, 9). Currently, there are not enough classrooms available for the more than 530,000 displaced children trying to access education (UNICEF 2021a, 8).

Access to school is fundamental for the well-being of all children and the barriers to access for displaced children are likely to have serious consequences for their physical and mental health, security, educational development, and future livelihoods.

### **3.2.c Child marriage**

Displacement is also associated with an increase in child marriage, as families marry off their girls to alleviate financial pressures, hedge against the risks of sexual violence, or save face. The instances of child marriage among IDP and returnees in Iraq increased in 2018 as protracted displacement depleted families' coffers, with data from other countries in the region showing similar trends (Cazabat et al. 2020). Yemen, with a rate of 32 percent, has the second highest share of girls married before the age of 18 in the MENA region after Sudan, followed by Iraq at 24 percent (UNICEF 2017a). Moreover, nine percent of Yemeni girls are married under the age of 15 to men who are usually decades older (Saleh 2020).

Although Iraq and Yemen are bound by several international treaties and conventions — notably the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child — establishing the minimum age of marriage at 18, both countries consistently fail to meet their obligations under them. In 2009, Yemen's parliament tried to raise the legal age for girls to marry to 17, but the measure failed and to date no domestic law stipulates any minimum age (HRW 2011). In Iraq, although the legal age of marriage is 18, a commonly exploited loophole permits marriage at 15 with the father's consent in 'cases of urgency' (Save the Children 2021).

The consequences these girls face as they transition from girls to child brides are manifold. In particular, their education grinds to a halt, severing them from their peer groups and leaving them socially marginalised. Additionally, early pregnancy leads to higher rates of physical complications and maternal mortality risk.

### **3.3 Separation of families due to conflict in Iraq and Yemen**

In Iraq, more than 95 percent of IDP families separated for more than three months were living in camps (IOM 2020, 19). This occurs primarily when conflict forces women and children to flee while male family members stay behind either to fight, work, or protect property. In the north of the

country, the offensive to retake territory from ISIS led to the separation of 2,624 children in 2017 (UNICEF 2017b) with efforts to reunite them still ongoing. Separated children are often victims of social marginalisation and are at high risk of exploitation and abuse (UN HRC 2020, 10).

The aftermath of ISIS has also perpetuated family separation among women from Iraq's minority groups. Women who were kidnapped into sexual slavery by ISIS fighters face stigma in their home communities still governed by conservative views on purity (UNDP 2022, 40). While Yezidi tribal leaders have decreed that victims should be welcomed back without shame, the same sentiment does not extend to children born of rape by ISIS fighters, leaving mothers to choose between staying in camps to care for their children or returning home without them (UN HRC 2020, 11–12).

Stigma is also faced by women and children with perceived affiliation to ISIS, based on family or tribal ties or even their area of origin (UNDP 2022, 2). They are treated with suspicion and systematically deprived of their human rights on the pretext that they constitute a security threat. For IDP families this often means indefinite *de facto* detention in camps without due process. IDPs with perceived links to ISIS are subject to threats and harassment in both their home and host communities and are returned and punished if they attempt to flee (Nowak 2019, 584–585).

In Yemen, more than 450 children have been unlawfully detained or abducted and 7,270 children have experienced family separation since the beginning of 2015. Unaccompanied or separated children make up 18 percent of children in Yemeni camps. Humanitarian access, lack of civil documents, onerous bureaucratic procedures, security and lack of funds are a few of the major obstacles preventing family reunification (OCHA 2021a, 80).

### **3.4 The importance of registration for access to basic services**

Women also face difficulty obtaining services for which official identification is required if they are not accompanied by a male relative. This patriarchal precondition means Iraqi female heads of households and their children can find themselves deprived of aid and legal rights (UPR Iraq 2019). Another obstacle is the requirement for IDPs to obtain security clearances to renew documents, effectively codifying discrimination against IDPs with perceived affiliation to ISIS; this also has unintended consequences for IDPs lacking documentation for other reasons since security personnel frequently assume the reason is a failed background check and therefore an affiliation with ISIS. Civil documentation is also a prerequisite for children to attend school in Iraq (UN HRC 2020). As investigated by the Special Rapporteur on the Human Rights of IDPs, Cecilia Jimenez-Damary, for children born during ISIS occupation, birth certificates are either not

recognised or were never issued. Moreover, she reported that education is inaccessible for children of missing fathers, or those born out of wedlock or through sexual violence during ISIS occupation (UN HRC 2020).

The same problems are faced by Yemeni women who are separated from their husbands or widowed and therefore unable to register (OCHA 2015). Although ID cards are nominally required to prove their identity, as reported by OCHA, many people in rural Yemen remain unregistered. Moreover, as the OCHA report underlines, in close-knit communities identity is not questioned, and people can go to school or get married without an ID. Displacement breaks these informal ties and IDPs without civil documentation lose access to basic services. Women in polygamous marriages can also fall through the cracks when only one wife can register. This is especially dangerous when wives and their children are displaced in separate camps (OCHA 2015).

#### **4. Response mechanisms to protect displaced women and children**

##### **4.1 Political commitment to address displacement: from the UNGPID to the Iraqi and Yemeni policies**

In 1998 the UNGPID were adopted as a reference regulatory framework. They protect against arbitrary displacement, protect and assist in cases of displacement, and support return, integration and resettlement (OCHA 2004). The goal was to make these principles attractive to states and encourage their incorporation into their national legislation or public policies. While not legally binding, the international community has begun to see their acceptance as a form of customary law. Following this direction, Iraq and Yemen have adopted national policies to address internal displacement.

In July 2008, Iraq developed The National Policy on Displacement (NPD) with the goal of finding durable solutions to displacement (NPD Iraq 2008, 5), which draws on the UNGPID to codify the rights of and obligations towards IDPs (Sauerbray 2007, 66). To support the NPD, the Inter-Agency Durable Solutions Strategic and Operational Framework was developed, which aims to bring together different actors across the nexus to effectively address protracted displacement, promote durable solutions and encourage adherence to international standards (Iraq Durable Solutions 2021). This will help ensure an effective allocation of resources to address barriers to safe and sustainable returns, integration and resettlement and expedite resolving the displacement of Iraq's 1.2 million IDPs (IOM 2022, 10).

In Yemen, the National Policy for Addressing Internal Displacement (NPAID), co-authored by Yemeni government agencies and the UNHCR, was adopted in 2013. It identifies three main goals: “protecting civilians from involuntary displacement and being prepared to respond to possible displacement; protecting and assisting IDPs during displacement and supporting displacement-affected communities; creating conditions enabling safe, voluntary and durable solutions to internal displacement” (NPAID Yemen 2013, 1–2).

To achieve these goals, firstly, the government shall prevent and monitor situations that could lead to displacement. In cases of inevitable displacement, it shall guarantee the availability of humanitarian assistance (NPAID Yemen 2013, 8–9). The government shall ensure physical safety and security, access to adequate and dignified living conditions, freedom of movement, protection against involuntary returns, right to education, and psychological well-being for all IDPs. The second goal includes the importance of IDPs’ livelihoods and family unity and mandates the immediate activation of the Yemeni government to ensure the reunification of separated families, social assistance, civil documentation, protection of property rights, opportunities for political participation, and protection of children from military recruitment (NPAID Yemen 2013, 10). Finally, the third goal seeks to find durable solutions to internal displacement. The policy defines durable solutions as those which allow IDPs to fully exercise their human rights without facing discrimination based on their displacement and which eliminate their displacement-induced protection needs. The policy identifies three possible solutions: return, integration and relocation (NPAID Yemen 2013, 26).

The Yemeni government is responsible for carrying out the NPAID and pledges to do so through all pertinent institutions of national and local government. However, when they are unable due to insufficient resources, outside help is requested (NPAID Yemen 2013, 30).

Adopting specific policies to address the issue of IDPs in Yemen and Iraq is an important step toward acknowledging the phenomenon and the difficulties IDPs face. However, implementation challenges such as a lack of resources, ongoing conflict and contested administration have rendered this insufficient. Despite the extensive frameworks, implementation in Iraq is slow-moving, also because of self-inflicted administrative roadblocks. Lastly, persistent pressure for IDPs to return to their original communities precludes realistic integration prospects, even when the ethno-religious climate there forces them to prolong their displacement or trigger secondary displacement (Anzellini et al. 2021).

As for women and children facing displacement, the UNGPID recognise that women and children have special needs that shall be safeguarded, underlining that IDPs shall be protected particularly against: acts of GBV,

sexual exploitation, and other forms of slavery (OCHA 2004). They also seek to ensure the right to an adequate standard of living for women and girls, as well as access to health care and education (OCHA 2004).

The policies of these countries demonstrate a commitment to the principles and values established by the UNGPID. However, they lack the necessary nuance to adequately tackle the systemic issues that hinder IDP rights. Therefore, to make up for the policies illustrated above, NGOs have intervened with humanitarian aid, if not always effectively.

## **4.2 Humanitarian response**

The humanitarian response in Yemen has become one of the largest and costliest responses in the world in the past decade. In 2020, the humanitarian situation was aggravated by escalating conflict, COVID-19, disease outbreaks, torrential rains and flooding, a desert locust plague, economic collapse, a fuel crisis and reduced humanitarian aid (OCHA 2021b, 5). In response, the UN launched a Humanitarian Response Plan (HRP) targeting 15.6 million people for vital assistance. The 2022 HRP is expected to reach 17.9 million Yemenis (OCHA 2022e), while the 2021 Iraq HRP targeted 1.5 million people. Initial analysis shows that the 2022 Iraq HRP will likely target around 990,000 Iraqis with humanitarian assistance; this number would include all in-camp IDPs, 230,000 acutely vulnerable out-of-camp IDPs, and 580,000 acutely vulnerable returnees (OCHA 2022c). The implementation of the humanitarian plan will consider needs based on age, gender and specific vulnerabilities, prioritising the neediest cases (OCHA 2022b, 24), such as female-headed households facing additional cultural and institutional obstacles (OCHA 2022b, 25).

In 2021, the Protection Cluster of the HRP aimed to mitigate vulnerabilities for the most at-risk populations in Yemen, especially IDP women and children, and to provide services to address protection risks, ensuring attention to specific needs and prioritising the most vulnerable including displaced persons (OCHA 2022d). UNICEF has been working in camps to help displaced children cope with the impacts of conflict and recover their childhoods, by providing them with humanitarian aid and education on landmines and unexploded ordinances, rehabilitating damaged schools, and establishing safe learning spaces in displacement camps. Meanwhile, the IOM is working to strengthen the humanitarian response and put displaced Yemenis on a path to recovery, with a specific focus on women's empowerment (IOM 2021b).

In Iraq, the situation affecting millions of people currently or previously displaced by the 2014–2017 ISIS crisis remains broadly stagnant as compared to 2021. Returns continue to be slow, with the number of displaced Iraqis only decreasing by 35,000 so far this year (OCHA 2022c). Of the country's IDPs, 728,000 have humanitarian needs with more than half acute (OCHA 2022b, 25).

Many IDPs and returnees face significant barriers to finding durable solutions (OCHA 2022c). Since 2021, the Iraqi government together with the international humanitarian system has accelerated efforts to expand engagement and support to end displacement (IOM 2022, 4). The Iraq Crisis Response Plan 2022–2023 names several specific provisions on GBV, women's health support and child protection including: treatment for reproductive, maternal and child health; specialised care and referrals for GBV survivors and other vulnerable individuals (IOM 2022, 7); educating about human trafficking (IOM 2022, 8); assistance to families with suspected affiliations to ISIS to find durable solutions by helping them to return to their areas of origin and reconcile with local communities; and helping IDPs obtain lacking civil documents (IOM 2022, 12).

Despite the decrease in acute need between 2021 and 2022, UNICEF continues to support children and promote durable solutions. It seeks to provide access to nutrition and health care, strengthen child protection mechanisms, give access to risk reduction, prevention, and/or response measures against GBV, and ensure safe and accessible channels for reporting sexual exploitation and abuse by support workers. Finally, the 2022 programme aims to facilitate and increase the number of children attending education (UNICEF 2021b).

While the humanitarian response in Iraq and Yemen has been instrumental in addressing some of the most acute needs faced by IDP women and children, it has been insufficient in relation to the scale of the issue, as well as being focused primarily on symptoms rather than causes, and it continues to face persistent obstacles to the achievement of its stated objectives.

### **4.3 Limitations of the present response plans**

Since the adoption of IDP policies, the implementation has fallen short of expectations. The Report of the Special Rapporteur on the Human Rights of IDPs, Chaloka Beyani, found on his Mission to Iraq in 2016 that the NPD had never been transposed into the national law (UN HRC 2016, 5); the Ministry of Displacement and Migration never implemented it in practice. These shortfalls have direct impacts on the rights of IDPs, particularly concerning the issuing of civil documentation (NPD Iraq 2008, §6.4) which is necessary for accessing humanitarian support in Iraq (UN HRC 2016, 6). Hence, when the relevant ministries fail to meet their responsibilities, it becomes challenging for IDPs to benefit from basic services such as access to formal schools, to health care, and to other primary needs guaranteed to them by the policy.



As in Iraq, Yemen too has not lived up to expectations since the adoption of its NPAID, and it missed the opportunity to improve conditions for its sizable displaced population by applying the policy in practice (Al-Aswadi 2019), with considerable repercussions on the lives of displaced women and children.

Most notable is the shortfall in access to education which the NPAID commits to guaranteeing to all IDP children. It must uphold this commitment and enrol all IDP children without bureaucratic preconditions, providing accelerated learning programmes to IDP children who have lost years of school due to conflict and subsequent displacement, along with additional assistance based on social or economic status when needed (NPAID Yemen 2013, 18–19). However, as discussed above, reports have found a severely inadequate application of this policy with more than two million IDP children still out of school (UN News 2021).

Obstacles to returns include: instability in the areas of origin; limited access to food, medical services, employment, schooling and livelihood opportunities; lack of information about the status of assets left behind during displacement; costs associated with return; and the opportunity costs of abandoning newfound employment or an already-commenced school year (Jimale 2021, 17). Although Yemen's policy is to be implemented at all levels of government, this has generally resulted in the various levels of government ascribing the responsibility to each other. Governorates generally view returns which cross internal borders as the responsibility of any jurisdiction but their own, while government initiatives to promote local integration, whether for lack of will or resources, have been largely absent.

Both countries are proof that policies unaccompanied by a support system composed of the government, state institutions, and national and international organisations do not lead to adequate humanitarian response, and the main consequences of the shortcomings in their implementation are borne by the most vulnerable categories of IDPs.

International organisations and NGOs have also fallen short in their efforts to meet the needs of displaced populations. Humanitarian aid has on several occasions been seized by Houthi fighters and used as a bargaining chip in conflict or diverted to support the belligerents. The delivery of aid is subject to bureaucratic hurdles and to the incapacity of the Yemeni government to guarantee humanitarian corridors to organisations trying to reach people in need. Additionally, the funding has consistently failed to achieve targets, with humanitarian actors in dire need of more financial support from the international community (UNSC 2021).

Poor security, lack of basic infrastructure, the increasing numbers of IDPs, and the accommodation of livestock are among the primary challenges facing the government and aid agencies operating in IDP camps

in northern Yemen (New Humanitarian 2009). Another key challenge is the ongoing conflict and disregard for IHL which constitutes the most serious risk for further exacerbating needs and vulnerabilities. Severe access restrictions, particularly in the northern parts of the country, resulted in nine million people being denied humanitarian assistance in Yemen in 2020, even as the economic and security situation continued to deteriorate (SIDA 2021, 4).

On the other hand, Iraq seems to be recovering: since ISIS's defeat, 80 percent of IDPs have returned to their areas of origin and begun rebuilding. However, the challenge remains vast as schools and hospitals must be rebuilt as most of them were severely damaged or destroyed (OCHA 2022b, 20). The presence of armed actors remains high and access to administration remains difficult (OCHA 2022a, 33). Administrative matters in Iraq constitute the most critical impediment to humanitarian aid access. For instance, local authorities or certain state security groups control the licensing procedures of NGOs. Additionally, humanitarian aid is often arbitrarily delayed at checkpoints (OCHA 2022a, 33).

For both countries, COVID-19 has represented an additional layer of vulnerability. In Iraq, accessing humanitarian support since the COVID-19 outbreak has posed a significant challenge due to the restrictions imposed by the government (OCHA 2022a, 33). Meanwhile, in Yemen, restrictions have had a devastating impact on aid delivery, as has the significant reduction in international aid as humanitarian funding is stretched thin by the COVID-19 crisis (UNSC 2021). This has heightened IDPs' vulnerabilities at the same time as COVID-19 increases their needs, with IDPs disproportionately unable to access medication, treatment and testing for COVID-19 as well as other medical conditions (IOM 2021a).

Finally, the work environment in Yemen remains restricted due to the impact of COVID-19 while the humanitarian response has struggled to meet funding targets and has overwhelmingly focused on the prevention of widespread malnutrition at the expense of other acute needs associated with displacement (OCHA, n.d.).

## 5. Conclusion

Internal displacement affects many populations worldwide. At the international level, there are no treaties, conventions or declarations specifically concerning the rights of IDPs. However, 1998 saw the adoption of the non-binding UNGPID, upon which some countries such as Iraq and Yemen have built national IDP policies. Unfortunately, these policies have never been adequately implemented and IDPs, particularly women and children, continue to face significant challenges to their security, health, education and livelihoods. As the governments falter in fulfilling their obligations to their displaced citizens, children continue to

face malnutrition, other related health issues, and difficulties in accessing school, while women suffer higher rates of GBV and barriers to accessing health care and other basic needs. Further, this has led to the recruitment of children into armed conflicts, child marriage, and widespread child labour. This situation is a direct consequence of the armed conflicts that have persisted for decades in both countries.

Moreover, the humanitarian response has not always sufficed to meet IDPs' needs. To access humanitarian support, IDPs must register, for which they need to hold a valid ID. The overwhelming majority of IDPs in Iraq and Yemen have been displaced due to conflict or severe weather events that constitute an imminent threat to life. The hasty nature of their flight and the widespread destruction of property prevented many from bringing their documents and thus meeting this basic requirement. Both governments should find another way to register IDPs as persons in need, to make aid available to the whole IDP community.

Governments, international organisations and IDPs themselves envision internal displacement as a temporary relocation only until it is safe to return. Accordingly, IDP camps are set up as a temporary solution, even though displacement is becoming increasingly chronic, with compounded vulnerabilities keeping those affected confined to camps for protracted periods. At times, authorities directly enforce this confinement, as in Iraq, where camps are seen as detention centres for women and children with links to ISIS members who suffer from multiple displacements and severe stigma and have little prospect of escaping their predicaments. The government of Iraq should welcome IDPs as persons with vulnerabilities looking for help and should not deprive them of their freedom and rights. Instead, it should incorporate the NPD into the national law, implement and enforce it. The same should be done by the government of Yemen, where the needs and the shortcomings in policy implementation are even more dire and expected to deteriorate further due to ongoing conflict (OCHA 2022c, 7). This will lead to a further increase in IDPs and compound vulnerabilities, with a primary impact on women and children. The recent shaky ceasefire offers some hope, but combatants and the international community must make sure it lasts to prevent a further deterioration in humanitarian conditions and give the government and organisations providing aid the opportunity to facilitate returns and carry out their missions to protect those who have returned and those who remain displaced.

Iraq and Yemen face legitimate resource constraints, but there are several achievable steps they could take to further their aims regarding durable solutions. Providing up-to-date information on the security situation in the areas of return and availability of services would help IDPs make informed decisions and promote voluntary, safe and dignified returns (Jimale

2021, 20). Local administrations should commit to respecting property rights to guarantee that IDPs can return to their homes and cooperate with donors to distribute aid to those whose property was destroyed or damaged. Furthermore, educational institutions should commit to accepting returning students so that education is not disrupted. For those who wish to settle in the areas to which they fled, governorates should work with NGOs and IGOs to support integration projects and provide the necessary documentation and administrative support. Additionally, whether returning or integrating, the promotion of durable solutions will require that the most basic needs of all households are met, enabling them to focus on income-generating activities and capacity building, increasing resilience and reducing reliance on stopgap humanitarian aid. In order to fill the inevitable gaps and promote security and positive health outcomes, particularly for vulnerable groups like women and children, as well as to ensure access to education and livelihood opportunities, this entails allocating more resources to the implementation of the IDP policy and strengthening cooperation with international organisations and NGOs (Ligneau 2021).

In Iraq, where many IDPs have returned to their homes, as in Yemen, where a hopefully lasting ceasefire would open the door for returnees, the assistance of peacekeepers could be a good strategy to ensure lasting returns that would allow those former IDPs to build equity and resilience in a stable environment, thus decreasing the likelihood of repeated displacement. Lastly, accountability at national and international levels can also lead to proper implementation of national policies and pressure from international actors, which might push both Iraq and Yemen closer to adherence to the UNGPID.

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