



NATIONALITY OF ILLEGITIMATE CHILDREN IN THE LIBERATED AREAS ACCORDING TO THE IRAQI LEGAL REGULATION

Zeyad Tareq Ibrahim

University of Samarra

Email : zeyad.albaitar@uosamarra.edu.iq

Article history:	Abstract:
<p>Received: 28th October 2021 Accepted: 26th November 2021 Published: 15th January 2021</p>	<p>Nationality is a document of great importance for both the individual and the state alike. It is the basic criterion by which a distinction is made between a national and a foreigner, and this distinction is of clear importance with regard to the rights and obligations imposed by law, which differ between a national and a foreigner.</p> <p>The principle of belonging to a particular state has become a necessity for every individual required by his human existence, and this can only be accomplished by obtaining nationality, which is a tool for obtaining his natural rights to enjoy the inherent privileges without which his life is not upright, so international organizations have drawn attention to the importance of nationality as a right. The United Nations issued the Universal Declaration of Human Rights in 1948, which affirmed that "nationality is one of the rights necessary for the life of the individual as a human being," and stipulated it among the basic rights guaranteed by the Charter, so that Article (15) of it stipulated that "everyone has the right to obtaining of any nationality. (1)</p>

Keywords: Human Rights, Nationality

INTRODUCTION

Nationality is a document of great importance for both the individual and the state alike. It is the basic criterion by which a distinction is made between a national and a foreigner, and this distinction is of clear importance with regard to the rights and obligations imposed by law, which differ between a national and a foreigner.

The principle of belonging to a particular state has become a necessity for every individual required by his human existence, and this can only be accomplished by obtaining nationality, which is a tool for obtaining his natural rights to enjoy the inherent privileges without which his life is not upright, so international organizations have drawn attention to the importance of nationality as a right. The United Nations issued the Universal Declaration of Human Rights in 1948, which affirmed that "nationality is one of the rights necessary for the life of the individual as a human being," and stipulated it among the basic rights guaranteed by the Charter, so that Article (15) of it stipulated that "everyone has the right to obtaining of any nationality. (1)

On the other hand, in the past years, Iraq has been subjected to the most heinous attack from a group of radical terrorist organizations that included terrorists of various Arab and foreign nationalities who came from almost all parts of the world and occupied many Iraqi provinces and settled there for several years, during which they committed war crimes against civilians and many crimes of genocide, displacement and sexual assaults, especially what the Yezidis were subjected to in the city of Mosul in northern Iraq, and after the wars of liberation carried out by the Iraqi government, many of these terrorists were killed and escaped, arrested or lost the other part, but they certainly left devastating traces that these areas still suffer from, and those effects will continue for long periods, including that they left behind many illegitimate children with their mothers who were raped and who will continue to suffer from many organic and psychological diseases, in addition to social problems and the society's view of them, which prompted some of them to attempt suicide (2). Also, these children pose an imminent danger to Iraq's present and future because of the environment in which they live, which makes them psychologically prepared to commit terrorist acts in the future, which requires concerted international, local and civil efforts in order to absorb them and settle their legal status with the need to examine the possibility of integrating them into society.

RESEARCH DIVISION:

The research was divided into two main chapters, the first dealt with the process of researching the legal basis for granting the Iraqi nationality, in two sections in the first, the right of blood and in the second the right of territory. As for the second chapter, it will deal with the legal position of illegitimate children, according to two sections. The first dealt with the position of international law regarding illegitimate children, and the second, the position of Iraqi laws regarding illegitimate children, then the results and recommendations.

The first chapter

The legal basis for granting the Iraqi nationality

Among the opinions that were unanimously agreed upon between countries is the necessity of granting the individual nationality since birth, in order to avoid falling into many problems, including the problem of lack of nationality.

The individual may obtain nationality after birth, and since the subject of the research deals with a group of children born in confused and abnormal circumstances and the importance of finding legal solutions to help this segment, it has become necessary to search for the type of nationality acquired by these children inside Iraq, so the study will be limited to Cases of acquiring the original nationality, since this type of nationality depends on the fact of birth, regardless of the legal basis for granting it.

As it is proven to the person as soon as the event of birth occurs and the individual comes into contact with life, and that is why it is called the birth nationality, where the will of the individual or his capacity does not play any role in accepting it, and that is why some described it as a compulsory nationality due to the lack of will in it (3) So we will show the criteria for granting the original nationality in Two sections, the first deals with the right to blood and the second with the right to territory

The first section

Right of blood

The right of blood is intended as a criterion for granting nationality, it is the right of an individual to obtain the nationality of the country to which his father belongs upon his birth. The basis of nationality here is the family origin from which the newborn descends, so it is called the nationality of lineage (5). The right of blood was considered as the main evidence for the availability of the spiritual and emotional connection between the individual and the state, but this right was previously limited to the right of blood descended from the father, and the mother had no role in transferring her nationality to the son except in exceptional cases such as the case that the father was unknown or stateless. As this direction was in force in most Arab legislation, including the repealed Iraqi Nationality Law No. 43 of 1963, Article (4)

The first paragraph states that "A person who is born in Iraq or abroad to a father who holds the Iraqi nationality is considered an Iraqi." This article stipulated that the father be Iraqi and that the lineage of the son be fixed to his father. The legislator takes the right of the blood descended from the father primarily, and the right of the blood descended from the mother is not considered, unless it is accompanied by birth on the region in Iraq, and this is indicated by the second paragraph of Article (4), as it stipulates that "He is considered an Iraqi who was born in Iraq from An Iraqi mother and an unknown or stateless father" (7).

On the other hand, the position of the Iraqi legislator has changed in Law No. 26 of 2006 in force, as Iraqi law took modern trends that equal the right of blood descended from both the father and the mother to have their children obtain Iraqi nationality, and this was evident in Article 3, paragraph (a).) That "is considered an Iraqi, whoever is born to an Iraqi father or an Iraqi mother" without placing any conditions or restrictions on that, as was the case in the previous legislation. (8)

First branch

The child's acquisition of Iraqi nationality based on the right of blood descended from the father

If the child obtains an Iraqi nationality based on the right of blood from the father, two basic conditions are assumed: First: The father must be Iraqi. Since the legal basis for transferring the Iraqi nationality to a child based on the right of blood on the father's side, is the father's holding of Iraqi nationality at the moment of his son's birth, and in this case it is not required that the father be an Iraqi father by grandfather because the word father used by the legislator in Paragraph (a) of Article (3) of the law has come absolute, and therefore there is no difference whether the father's nationality is original or acquired, or whether the father has dual nationality or not, as long as he holds Iraqi nationality.

Also, the death of the father before birth and after conception of the child does not affect his enjoyment of Iraqi nationality, so there is no difference between a living or dead father. And it does not depend on the place of birth, whether for the father or the son. The lesson is always the Iraqi nationality that the father holds at the time of his son's birth, not the place of his birth.

Second: legally establishing the paternity of the child from his father. The lineage of the child, whether male or female, to his father must be legally proven, and the lineage is proven according to Iraqi law in three main ways (bedding, acknowledgment, and evidence), which are the same reasons for establishing lineage as stipulated by the provisions of Islamic Sharia. (14). Therefore, the issue of proving the legal paternity of the newborn must be verified by one of the methods of proof as it is a legal and legitimate issue that must be decided first, and then the nationality of the child is proven from his father because the issue of proving paternity is considered a revealing of nationality and not of its origin, and based on the verification of the two conditions above, the Iraqi nationality of the child is established the newborn without the need to take any subsequent measures.

Second Branch

The child's acquisition of Iraqi nationality based on the right of blood descended from the mother

A child's acquisition of the original Iraqi nationality through the mother's blood requires the fulfillment of two basic conditions:

First: The mother must be Iraqi. The child shall be Iraqi if his mother held the Iraqi nationality at the time of birth, starting from the date of issuance of the law and its publication in the Official Gazette in the year 2006 (15), The Iraqi

legislator took for the first time the right of blood descended from the mother's side, and this does not preclude whether the mother's nationality is original or acquired. The nationality of the mother at the time of conception is not counted, but rather nationality is taken at the time of birth, and the nationality of the father does not affect whether he was an Iraqi at the time of birth or was a foreigner or even without nationality, and also does not affect the fact that the marital bond between the father and mother exists or not. The termination of the marital bond does not forfeit the right of the newborn child to acquire nationality from his mother. In the event of the mother's death at birth, the child automatically obtains Iraqi nationality as long as this newborn has a fixed lineage to his mother who gave birth to him.

Second: Proving that the child is legally related to his mother. Just as the lineage of a child born to his father is proven, his lineage to his mother must be proven in accordance with the law, and in the same ways of proof specified by Islamic Sharia, so it does not depend on whether or not the marriage was established at the time of the child's birth.(16) It is also proven by direct acknowledgment that the mother acknowledges that the child is her son, or indirectly by a person acknowledging that the child is his brother (17). Also, paternity is established by evidence with the testimony of two men or a man and two women, with the fact that the proof of paternity by evidence is stronger than it is established by acknowledgment (18) The tendency of the Iraqi legislator towards equality between the father and the mother in granting nationality was clearly demonstrated in the position of the permanent Iraqi constitution of 2005, in Article (14) which stipulated "Iraqis are equal before the law..." as well as Article (18) in Paragraph "Secondly" is considered An Iraqi who is born to an Iraqi father or an Iraqi mother, and this is regulated by law. This position is a response to the modern legal and jurisprudence trends that focus on the equality of women with men and an attempt to address the political, social and economic conditions that afflicted the Iraqi society after 2003 and the subsequent waves of violence and terrorism that claimed the lives of tens of thousands of individuals with the emergence of social problems Large, including thousands of children who were found as a result of the marriage of women to members of terrorist groups or women who were raped by those criminal groups, the result was the emergence of thousands of children, each of whom needs a nationality to prove his rights and facilitate his integration into his society.

Accordingly, Article 3 / A of the Nationality Law No. 26 of 2006 resolved any confusion in the matter, as it ruled that the original Iraqi nationality was established on the basis of the right of blood descended from the mother, with two conditions: "that the mother be Iraqi at the time of the son's birth" and "that he be the son has a fixed lineage to his mother at the time of birth" (21). If these two conditions are met by the mother and her newborn child, he will have the right to enjoy Iraqi nationality, regardless of whether the father of this child is a terrorist or not because the issue is purely legal and is dealt with according to the articles and legal paragraphs abstract away from emotions with the need to find a solution for those children who have become Their numbers are in the thousands, according to United Nations reports.

The second section the right of the territory

Territory right as a basis for granting nationality means the right of a newborn to acquire the nationality of the country in which he is born, regardless of the nationality of his parents or the origin from which he hails. The original nationality is based here on the connection that binds the individual to the territory of a particular state, so that he acquires its citizenship if he is born on its lands without regard to any other influence such as family origin, that is, regardless of whether his parents hold the citizenship of the same state or not (22) The Iraqi legislator has taken this basis in granting the original nationality on an exceptional basis, in order to complete the legal structure of nationality, in order to avoid cases of lack of nationality, and this appears in two cases:

First branch

Acquisition of nationality based on the right of the territory regarding foundling

The countries that take the right to blood have unanimously agreed to recognize the right of territory as a basis for granting nationality to the foundling (23). The legislation of those countries requires that a child born on their lands to unknown parents acquire their nationality in sympathy with his tragic situation, as he is actually born or ruled on their lands. Including the Iraqi legislator who granted nationality to the foundling on condition that the birth be on Iraqi soil, because a foundling or of unknown parents cannot obtain citizenship through the father or the mother. The Iraqi law considered finding a foundling in Iraq a simple presumption of his birth in Iraq, capable of proving the opposite.

If it is proven that this foundling was born outside Iraq, the Iraqi nationality will be removed from him retroactively and in light of the conditions experienced by the areas that have been subjected to terrorism and the pregnancy of women (their mothers), because of escaping the scandal, and these children are usually found, in hospitals or in front of some government institutions or in front of the residential floors.

Second branch

Acquisition of nationality based on the right of the territory regarding a child without nationality

Some countries tend to grant their nationality to a child who is born on their territory, and the nationality of either of his parents is not proven to him, whether because they are stateless or because their personal law does not allow them to transfer nationality to children (24). We note the position of the Iraqi legislator who took this basis in granting the original nationality on the basis of the right of the region alone (birth in Iraq) as an exception, for humanitarian motives whose purpose is not to fall into the state of lack of nationality, as in the case of foundlings and unknown parents. As the original Iraqi nationality was imposed on this basis and did not differentiate between the

status of a foundling or of unknown parents, through the text of Article (4) of the third paragraph of Law No. 43 of 1963, which is repealed, A person born in Iraq of unknown parents is considered an Iraqi, and a foundling who is found in Iraq is considered to have been born there unless there is evidence to the contrary. This ruling, which applies to foundlings, is not conclusive regarding the birth of the latter in the Iraqi province. As the original Iraqi nationality was imposed on this basis and did not differentiate between the status of a foundling or of unknown parents, through the text of Article (4) of the third paragraph of Law No. 43 of 1963, which is repealed, A person born in Iraq of unknown parents is considered an Iraqi, and a foundling who is found in Iraq is considered to have been born there unless there is evidence to the contrary. This ruling, which applies to foundlings, is not conclusive regarding the birth of the latter in the Iraqi province. Therefore, some note in this context that considering a foundling born in Iraq is just a simple presumption that accepts proof of the opposite. If it later becomes clear that the foundling was born outside the territory of the state, the nationality shall be retroactively removed from him. That is, since the supposed date of his birth, provided that the rights of bona fide third parties who dealt with him are not harmed as an Iraqi. (25) This text is repeated in Article (3) in Paragraph (B) of the "Nationality Law No. 26 of 2006 in force." Therefore, based on this text, two conditions are assumed:

The first is "that a son born of unknown parents together or a foundling," and the second "that a foundling or of unknown parents is born together in Iraq, in fact or in judgment (26). In fact, recognizing Iraqi nationality based on the right of the region to those of unknown parents or foundlings, involves taking care of them and achieving their interests in the first place, and protecting them from the consequences of falling into the cycle of statelessness. However, this nationality remains anxious and temporary, and it may lose its owner in certain cases, including:

First: If it is proven that the child born is a legitimate child of foreign parents, and their nationalities are known, whether that nationality is uniform or different.

Second: If it is found that he is an illegitimate child, and his parentage is confirmed by a father who has a foreign nationality.

Third: If the evidence is that the foundling was born outside Iraq.

The second chapter

Legal position of illegitimate children

It is not possible to determine the number of Iraqi women who were raped by the elements of terrorist groups, nor the number and gender of children who were the result of those crimes in Mosul, although there are approximate statistics for that announced from time to time from government agencies, international organizations or civil society institutions, But the fall of those entire provinces into the hands of these ideologically deviant elements, for a long time, makes us appreciate the depth of the disaster and the extent of the tragedy that the society has been exposed to in those cities. (27) And because the terrorist occupation included many governorates from northern Iraq to its west, and the ethnic, religious and sectarian diversity that these governorates contain was greatly affected, as criminal hands extended to tampering with all sects and religions, we can clarify the legal position of illegitimate children from the point of view of international law Then the Iraqi laws.

First section

The position of international law regarding illegitimate births

There are many legal texts dealt with in various international treaties and agreements. and which discusses the rights of the child in general, including the right to nationality, so we will try to focus on the most important of them, namely:

First: The Convention on the Rights of the Child of 1989. The United Nations has declared in the Universal Declaration of Human Rights and in the two International Covenants on Human Rights that "every person has the right to enjoy all the rights and freedoms contained in those instruments, without any kind of discrimination, and Recalling that childhood has the right to special care and assistance, and considering Acknowledging that the child, for his or her personality to grow up in a safe and harmonious manner, should grow up in a family environment in an atmosphere of happiness, love and understanding, to live an individual life in society and to be raised in the spirit of the ideals proclaimed in the Charter of the United Nations; Especially in the spirit of peace, dignity, tolerance, freedom, equality and fraternity, Bearing in mind that the child, due to his physical and mental immaturity, needs special protection and care measures, including appropriate legal protection, before and after birth, and to establish the necessary procedures for the protection of women and children during emergencies and conflicts armed, because in all countries of the world, children live in very difficult conditions, and that these children need special consideration, taking into account the importance of people's traditions and cultural values, so the importance of international cooperation to improve the living conditions of children in every country that is exposed to such harsh conditions for children (32)

Therefore, Article 7 of the Convention on the Rights of the Child stipulates that: "First, the child shall be registered immediately after his birth and shall have the right from birth to a name and the right to acquire a nationality, and shall have, as far as possible, the right to know his parents and receive their care... Second/ Ensure States Parties shall give effect to these rights in accordance with their national law and their obligations under international instruments relating to this field, in particular where the child is deemed to have nationality: failing to do so" (33) It is noted that the Convention obliges ratifying and signatory states to take the necessary measures regarding the child's enjoyment of all the natural rights stipulated in international instruments, including this Convention, which referred to the definition of these rights, including his right to the name and knowledge of his parents if they are known, or to

name parents chosen by the authorities The competent person (a fictitious name), as well as a family surname is chosen, And to establish his nationality from the moment of his birth, whether he is of stable lineage or without parentage, that is, in all cases, it is assumed that he has an original nationality, and he has the right to be raised with his parents and not be placed in specialized centers, such as orphanages.

Second: The CEDAW Agreement of 1979.

The Convention provides for the elimination of all forms of discrimination against women, in order to reach an important goal, which is "to achieve equality between women and men by ensuring equal access for women to equal opportunities in all aspects of life, and the states parties agree to take all appropriate measures, including legislation and measures temporary special rights, so that women can enjoy all human rights and fundamental freedoms. This Convention is the only human rights convention that affirms women's reproductive rights, cultural goals and traditions as influential forces in shaping gender roles and family relations, affirms the right of women to acquire, change or retain their nationality and the nationality of their children, and states parties also agree to take appropriate measures against all forms of trafficking. women and the exploitation of women. Therefore, Article 9 of Paragraph 2 stipulates that "States Parties shall grant women a right equal to the right of men with regard to the nationality of their children." Likewise (Article 15), the States Parties shall grant women equality with men before the law." As for the rights of a woman with regard to the custody and upbringing of her child, and his obtaining the nationality of his mother, It stipulated (Article 16) that "the same rights and responsibilities as a mother, regardless of her marital status, in matters relating to her children, and in all cases the interests of the children shall be paramount." (34) Thus, the Convention expressly provides for the realization of this equality, taking into account The traditions and customs of the peoples, and given the right to reserve some of their texts.

The second section

The position of Iraqi laws regarding illegitimate births

In this section, we will discuss the legal basis for these children to acquire the Iraqi nationality, and the extent to which it is possible to prove their parentage or not, according to the following:

First: Nationality Law No. 26 of 2006 in force.

It stated, "Article 3 / A - is considered an Iraqi ... who is born to an Iraqi father or an Iraqi mother." Consequently, every child born to an Iraqi father regardless of nationality (original or acquired), as well as those born to an Iraqi mother, regardless of her marital status, whether existent or non-existent, any father known or of unknown parentage, obtains the original nationality based on this text, and did not distinguish the ruling on the text is between a man and a woman, because it is absolute. As we find that the legislator has equated the father and the mother in the possibility of the son obtaining the Iraqi nationality, without distinguishing or setting specific conditions. This principle (equality) is one of the new principles stipulated in this law, so we believe that these children have the right to obtain the original nationality, as they are in the case of any child born in Iraq under normal conditions and from an Iraqi father or mother based on what was presented previously.

Secondly /// Personal Status Law No. 188 of 1959 as amended.

As we mentioned previously, the process of granting nationality to a child born to unknown parents needs to prove paternity according to the methods set forth in the Personal Status Law, because granting nationality is considered a revealing procedure and not the establishment of nationality, as it stipulates "Article 52/1 – Acknowledgment of paternity, even in death, for the unknown parentage. It proves the lineage of the headquarters to him if he is born like him for his like.

2 - If the acknowledgment is a married woman or the waiting period, the paternity of the child from her husband is not proven except by his ratification or evidence Article 53 / An acknowledgment of an unknown parentage of paternity or motherhood by which the parentage is proven if the acknowledgment is true to him and he was born like him to him Article 54 / Acknowledgment of lineage in cases other than filiation, paternity and motherhood does not apply to anything other than the confessor except with its approval." (35) The foregoing is related to the man's (husband) acknowledgment in the cases in which the marriage was concluded in the so-called Sharia courts, whether the terrorist holds Iraqi or foreign nationality. As for the woman's acknowledgment alone, it does not benefit the issue of filiation except with the approval of the terrorist husband, and this is not possible in reality or legally, and here it is assumed the distinction between two cases:

- A- The fact that the father is of Iraqi nationality and belongs to terrorist organizations. As the Iraqi law has not dropped the nationality of the Iraqi perpetrator of a criminal or terrorist crime, and this is one of the principles developed in the applicable nationality law, based on the content of the text of Article (18) of it, since a person who commits a crime, no matter how serious it is, is supposed to be punished with the penalty prescribed by law. without being subjected to dropping the nationality. Therefore, it is possible for the child's family to prove the nationality of his terrorist or criminal father, and marriage can be proven according to the provisions of the Iraqi Evidence Law No. 107 of 1979, and according to the evidence approved by the law, starting with personal or written evidence or a confession, and then the parentage of the child to this criminal or terrorist is proven. And then get the original and probative papers. By following the procedures stipulated for pleading before the judiciary by the amended Civil Procedure Law No. 83 of 1969.
- B- The fact that the father is a foreign terrorist with whom the marital bond has been dissolved, whether by his death (murder) or by separation (by dissolution or divorce) or fleeing to another country: An Iraqi woman who married a foreigner, even if he was a terrorist, her newborn child bears the original Iraqi nationality

based on the right of descended blood from the mother, and in the future he may acquire the foreign nationality of his father as well, If his terrorist father appears to be from a foreign country and acknowledges the paternity of this child, then he becomes dual-national. Therefore, we suggest that the Iraqi nationality may be relinquished, for the person to whom Iraqi nationality is proven based on the right of blood from the mother, and another foreign nationality is proven through the father.

THE RESULTS.

First: The texts of the Iraqi Nationality Law No. 26 of 2006 in force, as amended, are sufficient to address the situation of illegitimate children in the liberated areas from the control of terrorist groups, and there is no need to amend or issue a new law.

Second: The Iraqi legislator has kept pace with modern trends in many provisions of the law, which brought about a fundamental shift in the concept of granting the original nationality, as it equated the blood of the mother with the blood of the father in the attainment of nationality by their children, without placing any restriction or condition.

Third: It is required to prove the Iraqi nationality on the basis of the right of blood descended from the mother, (that the mother be Iraqi at the time of the son's birth) and (that the son be of proven lineage to his mother at the time of birth).

Fourth: The lineage of the child is proven, regardless of whether the marital relationship continues at the time of the child's birth. The lineage is proven if the marriage was established or ended by annulment or death, and it is also proven by direct acknowledgment that the mother acknowledges that the child is her son, or indirect by a person acknowledging that the child is his brother. lineage is also proven by evidence by the testimony of two men or a man and two women.

Fifthly: There are two types of Iraqi women who have been exposed to this problem. The first is that they are married to members of terrorist groups. And second, they were raped by the elements of those groups. In both cases, there are illegitimate pregnancy and births of children without documents proving their nationality or lineage.

Sixth: There is a necessary need to address the situation of pregnant women from terrorists who want to perform an abortion without legal accountability, because the Iraqi legislature prohibits carrying out this type of medical operation.

RECOMMENDATIONS.

Based on the foregoing, we recommend the following:

First: Working to issue a set of laws and decisions that provide for the proposed treatments and to expedite solving this problem and embracing the women and children who were victims of these criminal acts.

Second: To create directorates of nationality in the governorates that have liberated records for these cases, provided that the registration process for these births is facilitated and the original Iraqi nationality is issued, based on the text of Article 3 / a of Iraqi Nationality Law No. 26 of 2006, on the basis of blood descended from the father or mother. Alone without conditions, and if it is associated with birth in the Iraqi region, then this is a confirmation of the right and not a condition for it.

Third: Issuing directives from the Supreme Judicial Council to all personal status courts and juvenile courts in the liberated governorates, for the purpose of expediting the procedures for accepting lawsuits filed by these women, and working to facilitate evidence of the fact of marriage and lineage for the child, and the adoption of written evidence (marriage contracts) issued by the The so-called Sharia courts of terrorist organizations are considered customary papers, and this decision is valid during a specific period for the purposes of processing without expanding on that.

Fourth: As for the women who know their Iraqi husbands, and were arrested, fled abroad, or were killed as a result of military confrontations, it is possible to appoint a guardian from his family whose litigation is valid, or one of the heirs before the Personal Status Court, for the purpose of proving the marriage and the fact of parentage for the child, and then it becomes to be officially registered according to the regulations.

Fifth: With regard to women who married a foreign man, whether this terrorist was arrested, escaped or was killed, as well as women who were raped, the child must be dealt with as being of unknown parentage, and these women must file a case before the Personal Status Court requesting the issuance of a birth certificate for the child, and this procedure does not It is done only by referring the matter to the juvenile court for the purpose of giving a name, surname and estimation of the child's age. Here, the name of the mother can be given to the child.

Sixth: Establishing specialized centers to assist victims of sexual and physical abuse, and it is possible to cooperate with international organizations in this field.

REFERENCES

1. Copied from the Quilliam Foundation, a British research center concerned with terrorism and extremism, published on 3/21/2017, and some data are based on the statements of an Iraqi intelligence official, who said (there are 31 thousand pregnant women in ISIS strongholds). www.quilliaminternational.com Date of visit 12/4/2017.
2. Researcher Ghazwan Hassan Al-Jubouri - data provided within the Iraqi Interior Intelligence Research Group, published on 5/15/2017 on the website of the Ministry of Interior, www.moi.gov.iq. The date of the visit is 4/14/2017.

3. Dr. Abdel Moneim Zamzam - Nationality Provisions in International Law and Comparative Egyptian Law, Dar Al-Nahda Al-Arabiya, Cairo, 2011, p. 48.
4. Dr. Tariq Khairat Farhat - Principles of Nationality, A Comparative Study on Nationality Legislation in the Gulf Cooperation Council Countries and Egypt, Edition 1, Dar Al-Nahda Al-Arabiya, Cairo, 2012, p. 42.
5. Dr. Abbas Al-Aboudi - Explanation of the provisions of the Iraqi Nationality Law No. 26 of 2006 and the domicile and status of foreigners, a comparative study within the scope of private international law, Al-Sanhouri Library, Baghdad, 2012, p. 69.
6. Surat Al-Ahzab, verse 5.
7. Dr. Ezz El-Din Abdullah - Private International Law, Part 1, Nationality, Domicile and Status of Foreigners, 11th Edition, Egyptian General Book Organization, Cairo, 1986, p. 136. friendship . Jaber Ibrahim Al-Rawi - International Private Law, Nationality According to the Provisions of Comparative Iraqi Law, University Institution, Baghdad, 1977, p. 82.
8. Nationality Law No. 26 of 2006 in force in Iraq, and published in the Official Gazette (Al-Waqa'ī Al-Iraqiya newspaper) No. 4019 and dated 3/7/2006, pg 4.
9. What is meant by the bed here, is that the woman is in a state if she brings up a son whose lineage is proven by him, and that is through a valid marriage, i.e. the marriage is established between the man and the woman at the time of the beginning of pregnancy.
10. What is meant by the acknowledgment here, is that the confessor is of unknown parentage, and that he be from one of those who is born like him for the same acknowledgment, if not, as if they are equal or close in age, the acknowledgment is not valid, as well as for the confessor to ratify his acknowledgment of lineage if he is qualified for approval. In the case of the births in question, he shall be considered certified due to the realized interest of the undistinguished acknowledgment of his parentage to his mother. Dr. Hisham Khaled, Acquisition of the Original Nationality by Birth to a National Father, Edition 1, Dar Al-Fikr Al-jameie, Alexandria, 2012, p. 59.
11. Evidence is the testimony of two just men or the testimony of a righteous man and two women, and here we are talking about testimony in the framework of personal status (proving lineage) according to the provisions of the noble Islamic Sharia.
12. Dr. Hilal Abdul-Ilah Ahmed and d. Khaled Mohamed El-Qadi - Child Rights in Islamic Sharia, International Conventions and National Legislation, Family Library (Social Sciences Series), Egyptian General Book Authority, 2008, p. 158 and beyond.
13. Repealed Nationality Law No. 43 of 5/30/1963, published in the Official Gazette (Al-Waqa'a Al-Iraqiya) No. 818, published on 06/19/1963, Part Two, page 220.
14. The Swedish legislator did not stipulate in the Nationality Law of 2001 in Article 1 that the marriage between the father and mother be established in granting nationality on the basis of blood descended from the mother alone, and that nationality in this case is imposed automatically and by force of law without the need to submit an application or take any action Montchrestien
15. Dr. Abbas Al-Aboudi - the previous source, p. 75.
16. Jurist Major General Yassin Taher Al-Yasiri - Al-Wafi in explaining the Iraqi Nationality Law, 4th floor, Al-Aatek Printing Company, 2011, p. 123.
17. Quoted from activist Nadim Houry - Director of the Counter-Terrorism Program for the Middle East at Human Rights Watch, published on 3/30/2017, available at www.hrw.org. The date of the visit is 4/15/2017.
18. The researcher, Ghazwan Hassan Al-Jubouri, presented this information in an article on the findings of the Iraqi Interior Intelligence. Published on 5/15/2017 on the website of the Ministry of Interior, www.moi.gov.iq, date of the visit. 18/5/2017
19. The report of the Iraqi Human Rights Commission, referred to 520 children without nationality in Anbar Governorate, only those who are officially identified as non-children whose mothers did not review their mothers to announce the unofficial status of their children, as a result of their marriage to members of Al-Qaeda for the period from 2004 to 2009, the report was published in 2013 Available on the Iraqi Parliament's Human Rights Committee website, www.ar.parliament.iq. The date of the visit is 4/13/2017.
20. The amended Iraqi Penal Code No. 111 of 1969 / published in the Iraqi Gazette, No. 1778, dated 12/15/1969, p. 671.
21. Although there are details about abortion and abortion according to the provisions of Islamic Sharia, there is almost unanimity on abortion, available at the link 32 - www.fatwa.islamweb.net. The date of the visit is 6/24/2017, and according to the following: Hanafi jurisprudence / a footnote to Rad al-Muhtar, by Ibn Abdeen Ali al-Durr al-Mukhtar, vol. 5, pp. 410-413. Maliki jurisprudence / Hashiyat al-Desouqi and Sharh al-Dardir, vol. 4, p. 268, Shafi'i jurisprudence / Nihat al-Muhtaj by Abu Ishaq al-Marwazi, vol. 7, pp. 360-364. Hanbali jurisprudence / Al-Mughni by Ibn Qudamah in the Book of Blood Money, vol. 8, p. 153. Imami Shiite Jurisprudence / Seyyed Ali Al-Husseini Al-Sistani, referendums, His Eminence's Office, available at the following link: www.sistani.org. Date of visit 25/6/2017.
22. The Universal Declaration of Human Rights - an international human rights document of 30 articles, representing the declaration adopted by the United Nations on December 10, 1948 at Palais Chaillot in Paris.

As well as the International Covenant on Civil and Political Rights of 1966, and the International Covenant on Economic, Social and Cultural Rights of 1966). Available at www.ar.m.wikipedia.org, visit date 6/25/2017

23. The agreement was adopted by UN Resolution 20/44 on November 20, 1989. The agreement is available at the link www.Unicef.org, visit date is 06/25/2017.
24. The Convention on the Elimination of All Forms of Discrimination against Women or CEDAW, an international treaty adopted by the United Nations on December 18, 1979, available at the link www.ar.m.wikipedia.org. The date of the visit is 06/25/2017.