

REPARATIONS FOR SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE



COUNTRY BRIEFING: IRAQ

Iraq is one of the first three countries where the Global Survivors Fund (GSF) supports locally-led civil society organisations (in the case of Iraq: Nadia's Initiative) to provide access to individual as well as collective interim reparative measures, such as livelihood packages, financial compensation, and funds for facilitating access to education, medical and psychological care. This goes hand in hand with advocacy work to influence the national policy agenda to prioritise reparations and implement the recently adopted Yazidi Survivors Law in a survivor-centred manner.

While Iraq's history counts several violent conflicts during which sexual violence was committed on a large scale, such as during the Iraqi Civil War (2006-2008), this country briefing covers reparations for crimes committed in the context of the Yazidi Genocide (2014), particularly focusing on the implementation of the Yazidi Survivors Law.

Official Register of Survivors of conflict-related sexual violence (CRSV): None. However, according to the [Iraqi Yazidi \[Female\] Survivors Law](#), which was passed in March 2021, a General Directorate will be established to care for female survivors' affairs. The Law provides that this Directorate will create a database.

Commonly cited number of CRSV Survivors: 3,000, but CRSV is underreported due to the stigma attached to it. It is [estimated](#) that between 2,000 and 5,500 Yazidis have been killed and over 6,386 abducted by ISIL on or after 3 August 2014 (3,537 women and 2,859 men).

Estimated Real Number of CRSV Survivors: Approximately 4,000.

Domestic Legal Framework for Administrative Reparations Programme: Yes. The Yazidi [Female] Survivors Law (YSL), which was adopted in March 2021 and is specific to CRSV survivors.

Mechanism to implement Administrative Reparations Framework: The secondary legislation for implementation of the YSL is currently being drawn up and will determine the mechanisms to implement reparations.

Domestic Avenues for Reparations through Courts: Yes, but reparations have never been adjudicated through courts.

Approximate Number of Survivors having received any formal Reparations for CRSV: Approximately 900 survivors have received a [one-off financial grant](#) from the Iraqi Federal Government.

Survivor Perception regarding state of Implementation of Reparations: Survivors do not trust the Federal Government of Iraq to implement reparations because they have been waiting for seven years and have not received any form of government assistance during this period. Survivors have no faith in their Government and feel their needs have consistently been ignored.

Ongoing CRSV: Yes.



Nature and Scope of CRSV

During the Daesh invasion in August 2014, over 6,000 Yazidi women and children were taken captive. To date, there are around 2,800 victims still missing and presumed to be in captivity. Those taken captive were subjected to horrendous forms of sexual violence. Women and children, including girls as young as 9 years old, were repeatedly raped, tortured, and subjected to other forms of abuse, as well as being sold in [slave markets](#). Victims were also forced to convert to Islam during their captivity.

According to the [International Organisation for Migration \(IOM\)](#), *"[o]ften in the form of forced marriages and sexual slavery, [CRSV] was particularly widespread during the Yazidi Genocide. These violations have had devastating medical, psychological, and social effects on survivors' lives, which have worsened as they have been met with an insufficient response. Complicating the issues is that thousands of Yazidi survivors who fled their homes remain displaced to this day, thus increasing their vulnerability".* The [UN Human Rights Council \(HRC\)](#) further explains that *"[c]aptured Yazidi women and girls are deemed property of ISIS and are openly termed sabaya or slaves. ISIS made eighty percent of the women and girls available to its fighters for individual purchase, the apportioning being drawn directly from religious interpretation. ISIS sells Yazidi women and girls in slave markets, or souk sabaya, or as individual purchases to fighters who come to the holding centres".*

Once in captivity, Yazidi women and girls were raped daily. Some tactics included handcuffing victims or tying them to a bed. Women and girls who were raped suffered physical injuries, such as bleeding, cuts, and bruising. The physical and mental trauma that sexual violence had on survivors has been ongoing, and survivors who escaped captivity are still suffering lasting effects. Seven years after the genocide began, thousands remain missing and presumed in captivity, and there is little effort to rescue them.



© Nadia's Initiative



Harm caused to Survivors, Families and Communities

CRSV by Daesh against Yazidi women and children has had lasting impacts on the victims, their families, and the community. Sexual slavery carries devastating psychological impacts, such as deep depression, suicidal thoughts, and feelings of rage. Some families have had immense difficulty acknowledging the horrendous crimes committed against the survivors. Due to the intense trauma and distress experienced, it is difficult for survivors to access trauma therapy, even when it is available. Additionally, impunity is painful for survivors, who know in many cases that perpetrators walk free, and for families whose members have been killed, as both then carry a never-ending weight.

Yazidi survivors also face barriers to living independently; Yazidi women face a difficult challenge as hundreds of Yazidi men are missing and dead, and they have not been taught to be independent or to live autonomously. As such, they require financial support and skills training if they are to be able to support themselves and their children. This will also help to ensure that any marriages they enter into are a choice, rather than a necessity.

Nearly 200,000 Yazidis are still displaced seven years after the genocide, and thousands continue to suffer from a lack of basic resources and services.



Kocho burial ceremony in February 2021.
© Nadia's Initiative



Survivors' Perspectives

Needs and Expectations

Although the YSL is commended by the Yazidi community, there is still hesitation and distrust as to whether the law will be fully implemented and effective, and survivors highlight that much more action is needed. Distrust in the government stems from little having been done by authorities since the genocide started in 2014, meaning that thousands of Yazidis are struggling to receive basic services. Survivors outline concerns about a lack of basic resources, and highlight the importance of having their property restored, noting the lack of security, basic services, infrastructure and employment opportunities in Sinjar that make such restoration difficult.

As one survivor explained, “Yazidi genocide continues because we still have many missing people and most of us still reside in displacement camps”. Since insufficient action has been taken by the Iraqi government to locate victims and hurry the return of internally displaced people (IDPs), this remains a significant concern for the Yazidi community. “[t]hey say Daesh is no more. If that's the case, then where are our missing ones? The parliament passed a law about Yazidi survivors, but where is its implementation? We need action”. There is distrust as to whether effective action will be taken to help Yazidi survivors and those still in captivity, especially with the introduction of the YSL.

Survivors living [abroad](#) do not receive enough assistance either. Although host countries do provide some services to survivors, many do not receive the support required, especially when they lack documentation, and continue to suffer from the violations they endured, which are exacerbated by poverty, family separation and difficulties integrating new and different societies.

Accountability continues to be a pressing need for survivors. As the director of the Middle East Action Team at the Religious Freedom Institute [explains](#), “within Iraq, the mechanism for a meaningful prosecution that tells the Yazidi community and other survivors of these atrocities that -we recognize what was done to you and to your community, and we're holding those individuals to account’ - that's an important element that hasn't yet been addressed”.

"Seven years have passed, and our demands haven't yet been met...Sinjar hasn't been rebuilt to allow people to return. People have been tired of living in tent camps. Many of our girls, women and children haven't been rescued from Daesh."

"I really want people to be aware of what happened. We are a minority that wasn't hurting anyone, but we face all this."



Survivors' Initiatives

Survivors have been actively involved with various organisations seeking to include and highlight the voices of Yazidi victims. This active survivor involvement has been key to getting the YSL passed. [Nadia's Initiative](#), a Yazidi, survivor-led international organisation, has been instrumental in rebuilding the Yazidi homeland of Sinjar to facilitate the safe return of those still displaced and empower those who have already returned. The Initiative implements programmes across a variety of sectors, including survivor-empowerment programming focused on restoration of livelihoods, education, clean water, shelter, mental health, and healthcare support to all survivors in Sinjar.

Survivors in Sinjar co-created a [project](#) with Nadia's Initiative and GSF aimed at designing and implementing individual and collective interim reparative measures, and furthering implementation of the Law on reparation.

Yazidi survivors had the opportunity to express concerns about the Iraqi government and implementation of the Law through participation in various events organised between Yazidis, human rights defenders, lawyers, and diplomatic officials, to discuss the problems faced by the Yazidi people. During discussions, many Yazidi IDPs spoke about “the harsh life in the camps, poor service and security that do not allow Yazidis to return to Shangal”. Survivors also expressed their concern that, other than passing the YSL, little has been done.



Survivors participate in Mapping in Sinjar, December 2020
© Nadia's Initiative



Reparations

IN THEORY

The YSL outlines certain reparations geared towards female Yazidi survivors. The Law aims to provide a wide range of reparations, including “*psychological and medical services, housing, land, compensation, education, livelihood measures, and commemoration and memorialization activities for female Yazidi survivors of ISIS captivity*”. The YSL seeks to further the healing of Yazidi survivors by improving their living conditions and access to treatment. It applies to “*every Yazidi [female] survivor kidnapped by Daesh and was freed afterwards...[and] Yazidi children survivors who were under the age of eighteen at the time of their kidnapping*”, and states the intention to open health and psychological rehabilitation centers to treat [female] survivors both inside and outside of Iraq. The YSL also aims to achieve specific reparations for survivors, including (1) a monthly pension (2) a residential plot of land, (3) the right to resume studies with exemption from the age requirement, and (4) a priority for public employment at a rate of 2%.

IN PRACTICE

Implementation of the YSL requires many different prerequisites, including decision on an evidentiary standard for verifying survivors' claims, access to necessary documents, and creation of a proper infrastructure to carry out the bill. As the [Coalition for Just Reparations explains](#), there will be a huge barrier creating the infrastructure to accept claims of survivors in areas still ravaged by war. Not only will outreach for claims be challenging, but establishing health centers for mental health, psychosocial support and medical services is also a concern, and there are further challenges regarding survivors who are located outside of Iraq and whether they will be able to access reparations.

There are gaps and uncertainties about those who are excluded from the YSL. A concern about the Law is that it fails to include the needs of children born of rape by Daesh and the needs of their mothers. As UN expert Cecilia Jimenez-Famary of the Office of the United Nations High Commissioner for Human Rights states, “*these children are at risk of abandonment, and these Yazidi mothers face the difficult choice of either leaving their children or their community*”.



Opportunities

The YSL has a lot of potential for increasing advocacy and access to reparations to Yazidi survivors. IOM states that the committee established under the YSL may open a database and application platform to receive applications from both inside and outside Iraq. This will increase accessibility for survivors. Additionally, IOM explains that civil society organisations and the Kurdistan Region of Iraq, which have been cooperating to support survivors since 2014 and have gained the trust of many, could accelerate and improve implementation of the YSL. Cooperation among stakeholders could also prevent duplication of efforts and bring credibility to the YSL. Involvement of international organisations with experience in mass reparations initiatives could further bring technical expertise to the table.

Other opportunities could increase Yazidi survivors' effective participation, such as creating safe platforms for survivors where they can actively participate in designing the implementation structure and can contribute opinions about the logistics of the YSL. This can allow survivors to have more say in how the law is implemented, ensuring a more survivor-centric approach.



”

“We as survivors, we have the right to ask the Iraqi government and European countries [to protect] our rights. We don't want to lose our rights. We are so tired and we don't have representation. Many of us have no mothers, fathers, or brothers. We have nothing. We want our rights.”

NI

© Nadia's Initiative



Key Challenges

- A lack of clear protections in the text of the YSL to ensure that implementation is safe and survivor-centric. The Law has already been passed and the types of reparations stipulated, but ensuring the Law is effectively implemented in a survivor-centric manner is a top priority for all civil society and non-governmental organisations involved.
- Insufficient training of staff of the General Directorate and all those involved in processing survivors' claims or proper protection of survivors' rights (confidentiality, privacy, do no harm). Both are crucial for survivors to come forward.
- Insufficient provision of basic necessities, including adequate shelter, food, medical services, access to employment, and more. Access to basic services is a prerequisite for survivors' meaningful engagement in the implementation of the YSL.
- Difficulty in accessing all survivors, both in and outside of Iraq.
- Failure to address challenges specific to children born out of rape and their mothers, including the requirement for children born out of rape to be registered as Muslim so as to be eligible to register for education and other basic services.



Preliminary Recommendations

- Establish secondary legislation aimed at the swift and survivor-centric implementation of the YSL, including *“participation from survivors, communities impacted by the conflict and civil society in determining the specifics of the reparative measures and their overall implementation.”*
- Carefully consider the role civil society can play in implementing and supporting the implementation of the Law, both in terms of modalities, such as the identification of survivors building on existing knowledge and trust with the targeted communities and community-based livelihoods initiatives.
- Ensure that processes to implement the YSL are survivor-centric by making sure that all relevant stakeholders protect and respect survivors' rights, including the right to privacy and confidentiality, and avoid re-traumatisation. Ensure that survivors are fully informed of their rights and are given an opportunity to provide feedback throughout the process if they wish to do so. Survivors' input should be incorporated throughout the implementation process.
- To this end, draw lessons learned from, and adopt similar approaches to those used in the Nadia's Initiative and GSF project providing interim reparative measures to Yazidi survivors. Build on the survivor-centred identification process, co-creation of the various modalities of reparations with survivors, and multi-stakeholder collaboration, which are key elements of the project.
- Address issues specific to children born of rape and their mothers in reparations processes, and take necessary actions to ensure that these women and children can live together in safety. Advocate for amendments to the 2015 Iraqi Nationality Law, which forces women to identify their children according to their patrilineal bloodlines. For Yazidi women raped by ISIS perpetrators, this means they are forced to identify their children as Muslim. As the Yazidi community is insular, due to centuries of persecution, children identified as Muslim are not allowed to reintegrate into the community. Advocacy efforts to amend the 2015 Nationality Law should be coupled with community outreach to foster tolerance and inclusion for these women and their children.
- Strengthen mediation and social cohesion efforts to protect the rights of both child victims, including children born of rape, and their mothers, and support them to achieve durable solutions to their displacement.
- Widen the type and availability of rehabilitation services. In addition to mental health support and medical services, the following should be included: legal aid services, livelihood programs, family counselling, and community-oriented programs to support the reintegration of survivors.
- Improve accessibility to services. This should include the option to submit applications in person, online, or with the assistance of a third party or organisation.
- Improve application, verification, and distribution mechanisms to support access to benefits for refugee survivors outside of Iraq. This requires the Government of Iraq to develop innovative solutions.



*Nadia Murad at the Kocho burial ceremony, February 2021
© Nadia's Initiative*



Next Steps

Urgent action by the international community, Iraqi civil society organisations, and State authorities is needed to assist, support and sustain survivors' efforts to obtain the implementation of the above recommendations and achieve recognition and effective reparation. These include the following:

- Ramp up advocacy efforts to ensure a survivor-centric approach to the creation and passing of the secondary legislation implementing the YSL. UN entities in Iraq, international non-governmental organisations and civil society organisations have all identified the lack of a survivor-centric approach to development of this legislation as a point of concern. Nadia's Initiative, C4JR, IOM, UNAMI, and the OSRSG-SVC are co-hosting an event, which will take place during the UN General Assembly, to raise awareness around these gaps and ensure effective implementation of the YSL.
- Suggest to the Iraqi government to allocate sufficient funds to the General Directorate to ensure it can implement the YSL in a swift and comprehensive manner.
- Continue to engage with survivors and survivor-led organisations to raise awareness about the YSL and receive feedback on what changes and approaches survivors would like to see, thereby ensuring a multi-partner survivor-centric approach.