



# CONSULTATIONS FOR REPARATIONS

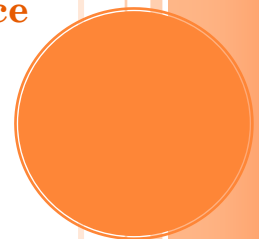
*Enhancing Victims Participation towards the  
development of a Comprehensive Reparation Policy*

## **Final Report**

Analysis and Recommendations based on Consultations with Yazidi  
women survivors of ISIL crimes conducted in 14 IDP camps across  
Duhok Governorate between October 2019 and February 2020

**Commission for Investigation & Gathering Evidence  
(CIGE)**

August 2020



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## ACKNOWLEDGMENTS

This report is the culmination of months of efforts by CIGE's Outreach Team and continuous engagement with Yazidi women survivors to gather their feedback in regard to the development of a comprehensive reparation policy tailored to their needs. CIGE extends its utmost gratitude, first and foremost, to the Yazidi women survivors who generously shared their thoughts, concerns, and hopes for a better future throughout the process, and whose inspiring words and resilience made this an educational and insightful experience for the whole team. CIGE would also like to thank the administration of the Internally Displaced People (IDP) camps across Duhok governorate for their logistical support in organizing the consultations, who held the security and confidentiality concerns of participants as their priority. CIGE is also particularly grateful to the Iraqi Parliament and non-governmental organizations who provided support to the initiative by attending the consultations as observers, sharing their feedback, experiences and insights. Finally, CIGE would like to thank the generous financial and technical support of the Civil Peace Service program of German development cooperation, implemented through the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, which made this project possible<sup>1</sup>.

### *About CIGE*

The Commission for Investigation and Gathering Evidence (CIGE) was established in 2014 following a decision by the Judicial Council of the Kurdish Regional Government (KRG), with the mandate to investigate and gather evidence of violations committed by the Islamic State of Iraq and the Levant (ISIL)/Daesh against ethnic and religious groups in Sinjar and Nineveh plains, which may amount to war crimes, crimes against humanity and genocide under international law. Since then, CIGE has been fulfilling this mandate by integrating international standards and best practices within its documentation and investigative work, hoping to address to the best of its capabilities the right to truth and justice of victims of ISIL crimes. In addition to its documentation efforts, CIGE has been working closely with families of missing persons, community representatives and survivors, in and outside the IDP camps through the efforts of its Missing Persons Unit, Victims Support Unit and Outreach Team. To date, CIGE has collected more than 3000 testimonies from victims and witnesses of ISIL crimes, 3065 DNA samples, and records related to more than 2700 missing persons hoping to support the identification process undertaken at federal level. For more information about CIGE, please visit [cice.gov.krd](http://cice.gov.krd).

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<sup>1</sup> This report was brought together by CIGE's Legal Advisor, Beatrice Tesconi, whose position is financed by the Civil Peace Service program, with the technical support of CIGE's Outreach Team.

## INTRODUCTION

As Iraqi society moves towards coming to terms with a difficult past, one marred by mass human rights abuses and large-scale destruction, the rights and needs of those most affected by the violations must take center stage to ensure any legitimacy and integrity to the process. This entails bringing the voices of those most affected by the violations at the forefront of the policy-making process, feeding them into the mapping, design, implementation and monitoring of any proposed initiative that seeks to directly address them. A process of consultations with victims of human rights abuses best embodies such a participatory approach and constitutes, in and of itself, an act of recognition and empowerment of victims, as well as a powerful message of inclusion for society as a whole.

This is particularly relevant in the context of Iraq's ongoing efforts to redress violations committed by ISIL, a gaping wound which continues to have profound and long-lasting consequences for Iraq's ethno-religious minorities. From the accounts of survivors that CIGE has been collecting since 2014, transpires just the sheer magnitude, complexity and multi-faceted nature of these violations, giving rise to different needs, considerations, and gendered dimensions specific to the harm suffered. More importantly, these accounts underscore the need for a comprehensive reparation program consisting of different measures tailored to specific individual, collective, material and symbolic needs of victims. The United Nations (UN) *Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (hereafter referred to as 'UN Basic Principles')<sup>2</sup> provide guidance on the matter, underscoring the importance of an approach to remedy and redress for human rights violations that relies upon the combination and interplay of five main forms of reparations: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

### *Reparations in Iraq*

Iraq is not new to the concept of reparations. One of its most recent efforts at fulfilling its international obligations to provide reparations and effective remedy for human rights abuses came in the form of an administrative reparation program under Law No. 20 of 2009 on Compensating Victims of Military Operations, Military Mistakes and Terrorist Actions, which provides redress to victims who have suffered violations since 2003<sup>3</sup>. Later amended in 2015 and 2020<sup>4</sup>, it applies retroactively to incidents that occurred on or after the US invasion in March 2003, and also opens the door for some of the victims of the ISIL conflict to apply. Law No.20 defines five main eligibility categories: martyrdom or missing persons presumed dead, full or partial disability, injuries that require short-term medical treatment, damage to property, and damage that affects employment and education. The law is however very limited in nature and scope, as it arguably fails to address many of the violations arising from the ISIL conflict, most notably conflict-related sexual violence (CRSV) and the enlistment of children, while also failing to include

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<sup>2</sup> United Nations General Assembly, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (A/RES/60/147)', OHCHR, 16 December 2005. Available at: <https://www.ohchr.org/en/professionalinterest/pages/remedyandrepairation.aspx>

<sup>3</sup> Iraq: Law No. 20 of 2009: Law on Compensation of Victims of War Operations, Military Mistakes and Terrorist Operations. Available at: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5e4579204> (English translation)

<sup>4</sup> Iraq: Law No. 57 of 2015: First Amendment to the Law on Compensation of Victims of War Operations, Military Mistakes and Terrorist Operations [Iraq], 30 December 2015. Available at: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5e4564a34>.

Iraq: Law No. 2 of 2020: Second Amendment to the Law on Compensation of Victims of War Operations, Military Mistakes and Terrorist Operations [Iraq], 7 January 2020. Available at: <https://www.refworld.org/docid/5e45644c4.html> (English Translations)

recourse for psychological trauma<sup>5</sup>. Its narrow scope also extends to the type of redress offered, formulated mainly in the form of compensation and restitution.

### *The Yazidi Female Survivor's Law*

More recently, in April 2019, President Barham Salih introduced to the Iraqi Parliament the “Yazidi Female Survivor’s Law” (hereafter referred to as “Draft Law”), or what can be considered Iraq’s first laudable step towards redressing ISIL’s abuses and violations. The legislative proposal is commendable insofar as it showcases a more complex and multifaceted understanding of the concept of reparations by including provisions that address many of the forms of reparations outlined by the UN Basic Principles. Notwithstanding the step forward it undoubtedly represents, the Draft Law has nevertheless faced criticism due to, *inter alia*, definitional and procedural ambiguities, narrow focus and selectivity - shortcomings that are ultimately conducive to a lack of a consultative process with victims and community representatives, as well as a lack of reference to international good practice, during its drafting stage<sup>6</sup>.

### *CIGE’s “Consultations for Reparations” Initiative*

It is against this backdrop that CIGE first presented the initiative “*Consultations for Reparations: Enhancing Victims Participation Towards the Development of a Comprehensive Reparation Policy*” in October 2019. Through consultations with more than 200 Yazidi women survivors, and exchanges with parliament representatives and civil society representatives, the project sought to provide a first insight into the reparation needs of Yazidi women survivors, hoping for it to be used as an analytical framework through which to assess the potential reach and effectiveness of the Draft Law in its current status. CIGE felt in the best position to undertake this task in its nature as a governmental organization, given the strong links with communities and families of victims residing in IDP camps that it has developed over years of documentation and outreach work, and as part of its long-term commitment to address the right to justice and truth of victims of ISIL crimes that stands at the core of its mandate.

This report is an attempt to give voice to, and provide a more in-depth understanding of, the needs of Yazidi women survivors and of the different conceptions of justice and effective redress they may hold. In presenting its findings, CIGE hopes to provide survivors with a public platform to express their opinion on a policy ostensibly about them, bringing them closer to the policy-making process and, more importantly, letting them know that their voice does count. This initiative and the findings arising from it should be interpreted only as a first preliminary exercise in public consultations and an invitation for further and more extensive initiatives of the kind rather than an exhaustive or conclusive assessment.

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<sup>5</sup> Conflict-related sexual violence (CRSV) is a term that “refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly linked to a conflict”. See Office of the Special Representative on Sexual Violence in Conflict, ‘Conflict Related Sexual Violence: Report of the United Nations Secretary General (S/2019/280)’, 29 March 2019, p. 3. Available at: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/report/s-2019-280/Annual-report-2018.pdf>

<sup>6</sup> Critical and extremely valuable analyses and commentaries on the Draft Law have already been produced, not least by the International Organization for Migration, and the London School of Economics’ Middle East Center; See Güley Bor, ‘Iraq’s Reparation Bill for Yazidi Female Survivors: More Progress Needed,’ LSE Middle East Centre Blog, 26 April 2019. Available at: <https://blogs.lse.ac.uk/mec/2019/04/26/iraqs-reparation-bill-for-yazidi-female-survivors-more-progress-needed/>

## METHODOLOGY

From October 2019 to February 2020, CIGE's Outreach Team conducted consultations with a total number of 206 Yazidi women survivors across 14 IDP camps within Duhok governorate (see *Annex 1* for more details). For the purposes of this study, CIGE sought to focus on the direct beneficiaries of the Draft Law in its current state, namely Yazidi women survivors, and collect their reparation needs as both direct and indirect victims of ISIL crimes, as many of the respondents also represent family members of victims of abductions and killings. It is important to note that the focus on Yazidi women survivors is in no way an attempt to overlook the harm that other ethnic-religious minorities have been subject to. The crimes committed particularly against Christians, Shia Turkmen and Shabaks, as well as Sunni Arabs and Kurds who resisted to rule of ISIL, is a reality that CIGE is well aware of and hopes to support in bringing to light through its documentation and investigative work.

The consultations were organized in designated safe spaces within the 14 IDP camps, working in close collaboration with the camps' administrations. In view of fostering a safe and comfortable environment for the survivors, CIGE decided to let only the women of CIGE's Outreach Team lead the consultations and have access to the safe spaces. A mixed methodology was adopted, combining focus groups and semi-structured interviews using a set of questions and themes previously elaborated as a guiding framework for the discussions. Following a 'do-no-harm' approach, prior to starting each session, CIGE obtained written consent from survivors, wherein it guaranteed anonymity for any data and information collected. Upon the survivors' consent, CIGE also audio recorded every consultation session for further analysis of the findings, and safely stored the recordings within its protected databases. The consultations were conducted in the Kurmanci dialect of Kurdish to facilitate discussions in the language most familiar with Yazidi survivors, and were later transcribed into English and Arabic. The analysis of the data was performed inductively, through an iterative coding of data based on the frequency of terms, and by selecting representative quotations to illustrate respondent perspectives. This was done through the help of data booklets that were developed during the first weeks of the project, as explained below.

### *Developing the Methodology*

CIGE's Outreach Team is composed of qualified professionals in the field of law, psychology and sociology, who have already developed extensive experience interacting with communities of victims in IDP camps through prior outreach initiatives. Nevertheless, given the complex and sensitive nature of the initiative, CIGE felt that it was crucial to invest more time towards developing a context-sensitive approach specific to the task at hand. From 6-10 October 2019, CIGE organized an *Expert Workshop on Reparations and Consultations*, facilitated by an international expert in the field of victimology and transitional justice, which enabled an exchange and reflection on the best practices and international standards in the field of reparations and consultations based on similar experiences around the globe, and on the sensitivities and vulnerabilities of the local context. This professional exchange provided an opportunity to capitalize on international and local expertise to build a comprehensive, survivor-centered and locally resonant methodology for the consultations.

### *Structuring the Consultations*

One of the risks that could be encountered when gathering data from survivors is that the process may leave them feeling used and alienated from the outcome of a project that is ostensibly about them. To address this concern, and show due reverence to the words of survivors, during the *Expert Workshop* it was decided to structure each consultation upon two sessions, ideally on two separate days so that the Team had enough time to conduct a preliminary elaboration of the findings in between. The second session was designed to allow CIGE's Team to go back to the survivors and invite them to either correct or validate

the notes taken on the first day of consultations, setting a humble and dialogical tone with survivors, and helping ensure the accuracy of the findings. The Team followed this approach to the furthest extent possible, although in instances where the number of respondents was low (1-5 people), the Team was able to conduct the second session on the same day in a matter of a few hours distance.

### *Structuring the Exchange*

The methodology for the consultations was developed by using the Draft Law and the UN Basic Principles as its analytical and guiding frameworks. Based on an in-depth analysis of both, CIGE's Outreach Team developed a set of guiding questions by turning the technical phrasing from these two documents into a series of open and closed questions, phrased in a more colloquial language, to be posed to survivors. The questions provided a guide for the discussion while allowing for the facilitator to follow topical trajectories in the conversation that may have strayed from the questions but were relevant insofar as they reflected the needs and concerns of the survivors. This guide also set the structure of a data booklet previously developed that allowed for the collection of both quantitative and qualitative data.

### *Feedback and Monitoring*

In addition to the feedback of survivors collected through the two-session system, CIGE extended an invitation to civil society and parliamentary representatives to take part to the consultations as observers to provide feedback on the methodology and the overall process. In doing so, it also sought to underscore the important role that civil society has played in ensuring the effective and meaningful participation of victims in the design, implementation and oversight of reparations programs around the world. On 20 January 2020, Yazidi representative in the Iraqi Parliament Khalida Khalil, who is also a member of the parliamentary committee on Migration and IDP affairs, took part to one of the consultation sessions, following survivors' approval. Her presence alone was a first step towards bridging the gap between survivors and policy makers, and sent a powerful message to the survivors, letting them know that their concerns are being listened to. On 28 January 2020, representatives of the Coalition for Just Reparations (C4JR), a consortium of 25 civil society organizations led by Jiyan Foundation for Human Rights advocating for a comprehensive reparation program in Iraq for all victims of ISIL crimes, participated as observers to one of the sessions, and later provided feedback on the process<sup>7</sup>. On 17 February 2020, the NGO Yazda joint efforts with CIGE to organize a consultation session with 12 of the members of its newly created "Yazidi Survivors Network", composed of inspiring Yazidi women survivors' representatives who advocate at national and international level for the recognition of the crimes committed against the Yazidi and for the victims' right to remedy and redress of victims<sup>8</sup>.

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<sup>7</sup> For more information on the C4JR, see: [www.c4jr.org](http://www.c4jr.org)

<sup>8</sup> For more information on the Yazidi Survivors Network, see: <https://www.yazda.org/post/yazda-launches-the-yazidi-survivors-network-to-advocate-for-the-rights-of-survivors>

## ANALYSIS OF THE FINDINGS

The analysis that follows will highlight the main findings arising from the consultations held with 206 Yazidi women survivors over a period of 5 months. The findings will be presented using elements of qualitative and quantitative analysis, reiterated through the use of direct anonymized quotations from survivors. It is important to note that it was an explicit and widely-shared wish of the respondents to be referred to as ‘survivors’ rather than victims, a request that this report will seek to respect to the fullest extent possible.

The analysis of the findings will be structured using the framework of the UN Basic Principles and the five forms of reparation detailed within it as its underlying structure. The five forms, namely restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, represent a reference point around which international consensus has converged in light of experiences with survivors in diverse settings around the world. They should not, however be interpreted as separate and rigid categories independent of one another. To the contrary, it will be seen that the forms bear strong similarities and linkages to one another, and different needs and demands outlined in the discussion could easily fall within more than one category. For instance, several restitution and satisfaction measures, including restitution of identity and family life, return to one’s place of residence, truth-seeking, the search of the disappeared, recovery and reburial of remains, may just be as rehabilitative as medical or social services.

The five forms do, nonetheless, provide an effective organizational tool for the presentation of the findings while underscoring the multifaceted and complex nature of a comprehensive reparation program, which should rely upon the combination of different measures ranging from individual to collective, material to symbolic ones. The findings will then be applied to the framework of the Draft Law in its current state, highlighting the way in which it adequately reflects, or falls short to address, the needs and wishes of Yazidi women survivors.



## Scope - Defining Beneficiaries and Violations

During every consultation session undertaken as part of this initiative, concerns over the narrow beneficiary focus of the Draft Law were always inevitably brought forward by survivors. This is particularly telling also given that the respondents all represent the exact beneficiary target that the Draft Law seems to address, i.e. “Yazidi women who were abducted by Daesh and released thereafter”<sup>9</sup>. Nevertheless, the vast majority called for the eligibility criteria to be broadened to include also women who died during ISIL captivity and their closest relatives, as well as other Yazidi men, children, girls and women who were subject to ISIL crimes. As one survivor noted: “Our husbands have been murdered, our children were taken and forced to fight. Their suffering should be recognized too”. In a similar manner, another woman voiced a widely-shared concern: “We know of many children who are now orphans because they lost both their parents at the hand of ISIL. They should be receiving support too”.

In a remarkable expression of solidarity, many survivors asked for the law to also include other ethnic-religious minorities, in recognition of the harm that they were also subject to. One survivor recalls: “I was kept in the same house with a Christian woman, and she was made to do the same things as I did. She is now a sister to me, but I do not know where she is. She should also receive help”. Others, while sharing a similar desire to have the suffering of other groups acknowledged, stressed the need to give precedence to the Yazidi cause: “We want the government to help other survivors from other religious and ethnicities as well, but we don’t want this to be done at our expense”.

These concerns find resonance in international best practice and in the definition of victims provided by the UN Basic Principles: “Victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. *Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization*” [emphasis added]<sup>10</sup>.

As underscored by the survivors’ comments, the Draft Law defines a narrow, and at times confusing, beneficiary target. While Art. 1 and 2 define those eligible for reparations as “Yazidi women survivors - The Yazidi women who were abducted by the terrorist organization Daesh, after 10/6/2014 and released thereafter”, Art. 13 provides a more general provision, which stipulates that the law “shall apply to all women abductees who survived the terrorist organization Daesh and who were subject to enslavement”, giving way to a possible application of the law to also non-Yazidi women who survived captivity. Despite this seeming contradiction which requires further clarification, the selective focus of the Draft Law also extends to the type of violations it seeks to address. While the crimes of abduction and enslavement are explicitly mentioned, the Draft Law makes no reference to any other crime that ISIL victims may have been subject to, including CSRV and torture. Failing to acknowledge the full breadth of ISIL crimes may critically impair the effectiveness of the reparation measures, which should be tailored to the unique impact and specific needs ensuing from different violations<sup>11</sup>. This is particularly the case for CSRV, which require urgent interim measures of redress precisely because of the specific and often devastating physical

<sup>9</sup> See Art. 1(1) and 2 of the Draft Law

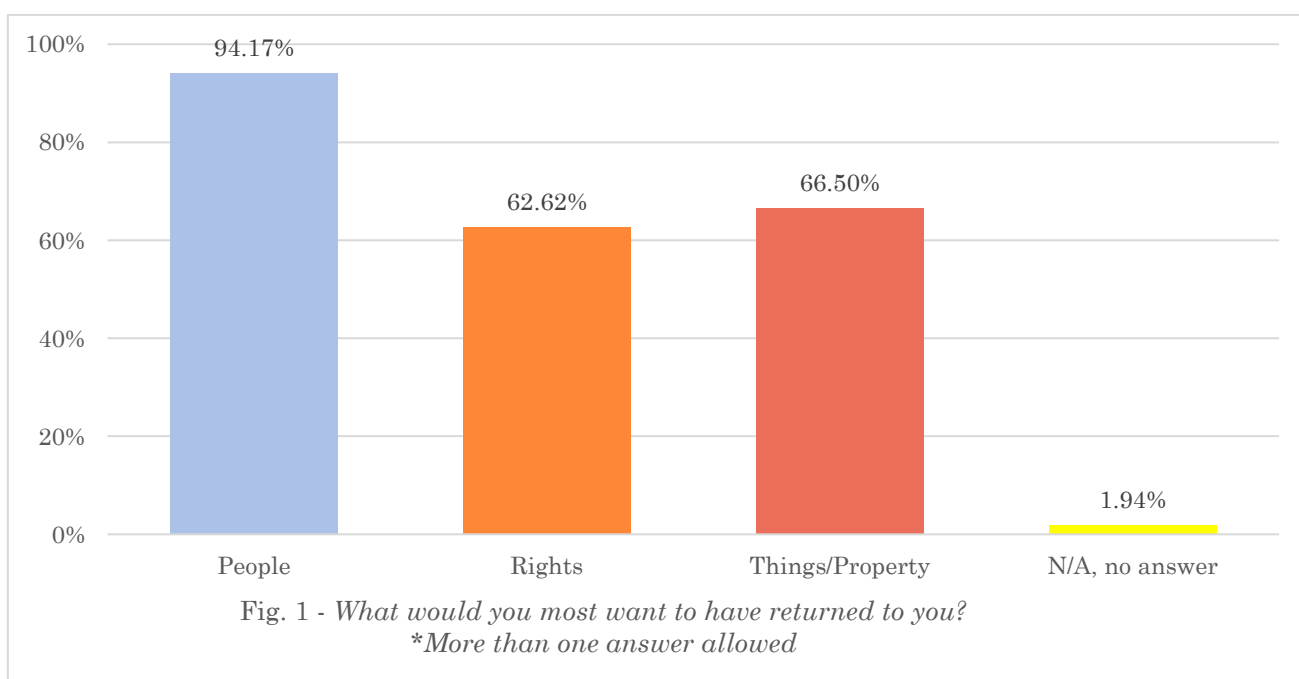
<sup>10</sup> UN Basic Principles, para. 8

<sup>11</sup> United Nations Secretary-General, ‘Guidance Note of The Secretary-General: Reparations for Conflict-Related Sexual Violence’, OHCHR, June 2014. Available at: <https://www.ohchr.org/Documents/Press/GuidanceNoteReparationsJune-2014.pdf>

and psychological impact they have at individual and community level, and the sensitivity attached to these harms in society<sup>12</sup>. Furthermore, prioritizing one set of victims over another is an inherently problematic decision which risks creating further stigmatization, and exacerbating intercommunal tensions and any feeling of marginalization within society.

## Restitution

The UN Basic Principles define measures that fall under the form of restitution as those that aim to restore the victim to his or her status quo ante, or the situation prior to the violation being committed, as much as possible<sup>13</sup>. Broadly speaking, restitution should include both tangible and intangible assets, and it addresses two main aspects: restoration and return. While restoration refers to specific qualities or status (restoration of liberty, enjoyment of human rights, identity, family life, citizenship and employment), return refers to the action of effectively going back to one’s place of origin as well as the actual return of property lost. Both dimensions of restitution came to the fore during the consultations, as *Fig.1* shows.



Under what can be construed as a broad aspiration for restoring family life, over 94% of the survivors who participated in the consultations indicated that they would most wish to have returned to them a particular person who was either still in captivity or had been killed. For most, rescuing those still in captivity represents the most urgent demand, one that superseded any other need: “We have lost what is most precious to us. Our women, girls and children who are still in the hands of ISIL, they are our dignity”. Requests for the scaling up of the efforts related to the search of the whereabouts of the disappeared were

<sup>12</sup> *Ibid.* See also UN Security Council, Resolution 2467 (2019), which calls for a “survivor-centered approach” to sexual violence, which ensures that responses to these violations “are non-discriminatory and specific and respect the rights and prioritize needs of survivors”. UN Security Council, Resolution 2467 (2019), ‘Women Peace and Security: Sexual violence in conflict (S/RES/2467)’, adopted by the UNSC at its 8514<sup>th</sup> meeting on 23 April 2019. Available at: <http://unscr.com/en/resolutions/2467>

<sup>13</sup> UN Basic Principles, para. 19

also dominant in regard to measures of satisfaction, as it will later be seen, and highlights the way in which survivors prioritize their needs as indirect victims over those as direct victims of violations<sup>14</sup>.

More than 63% of the respondents mentioned sets of ‘rights’ when asked what that they would most like to be returned to them, a demand emblematic of the dire living conditions in the IDP camps and of a growing sense of marginalization in the community. The rights in question were in fact often framed in terms of fundamental social, economic and cultural rights, such as access to basic services, an adequate standard of living, and the right to education, which many perceive as being severely hindered in the IDP camps. Calls for civil and political rights at community level, in the form of political participation and protection of minority rights, were also repeatedly made alongside damning statements which underscore an increasing loss of trust in state institutions and a growing feeling of alienation within the Yazidi community: “The government is treating us the same way it treats ISIL families. We are living in camps in the same conditions as they are”. Nevertheless, the overall question of a “return” of rights and the popular sentiment of neglect and alienation that it arguably embodies, is one that transcends the current situation faced by the Yazidi community in IDP camps, and that pre-dates the events of 2014. In other words, it should be interpreted as a demand for Yazidis to be restored to their position as rights-holders, and not simply to their status pre-2014, which was deemed scant and unsatisfactory as well. This long-standing feeling of marginalization is best exemplified by the words of one survivor, who claimed: “We as Yazidis have no rights, and we feel that there is nobody out there that is fighting to assist or support us”.

A similar sentiment also transpired when addressing the return aspect of restitution. More than 66% of respondents said that they would most like things and property to be returned to them, a wish that was oftentimes framed in terms of a desire to return to their homeland, which for the majority is the Sinjar region. This general willingness to return is however hampered by fears for their own safety and security, as one woman reported: “How can we go back? Our houses are destroyed, and our neighbors that betrayed us in the first place are back there”. While many survivors pointed to the fundamental lack of basic services and infrastructure in the area as one of the main reasons stopping them from going back, many others mentioned the volatile situation in the area and fears of being caught in the middle of skirmishes of militias. As one survivor stated: “I don’t want to go back; I want to go abroad. If I do return, I will either be killed by militias or by ISIL sleeping cells”.

While one of the stated aims of the Draft Law includes “rebuilding and rehabilitating the infrastructure of the areas of survivors”, it makes no explicit commitment to the rehabilitation of the areas of origin of the survivors, nor towards restoring the security and protection of the area<sup>15</sup>. Solving the legal status of Sinjar would also go a long way towards addressing the state of insecurity that currently mars the area. The Draft Law does however include a measure aimed at giving land and/or housing for survivors, which is a welcomed development that should be accompanied by flexible and prompt procedures for such claims and for mechanisms to allow also for children to make property claims if they are the sole survivors of a household<sup>16</sup>. More importantly, the type of statements and general concerns mentioned above speak to a deeper breakdown in trust at societal and institutional level and to general feelings of betrayal, which if left unaddressed may lead to an exacerbation of tensions and to possible outbreaks of retributive violence. In turn, they underscore the need for healing and reconciliation measures that should be implemented at both individual and community level.

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<sup>14</sup> The search for the whereabouts of the disappeared is one of the measures identified under the form of *satisfaction* in the UN Basic Principles (see para.22 of the UN Basic Principles). It will be further analyzed in the ‘Satisfaction’ section of the report.

<sup>15</sup> See Art. 4(4) of the Draft Law

<sup>16</sup> See Art. 8(2) of the Draft Law

## Compensation

Compensation measures are usually conceived in the form of monetary payments or service packages (services that money can purchase, which may include provisions for education, health, housing, etc.) made to victims to redress the moral and material harm incurred<sup>17</sup>. While it is inconceivable to quantify the harm suffered or the loss incurred when it comes to gross human rights abuses, financial assistance is oftentimes an urgent critical measure, particularly for victims of CRSV.

This urgency was often emphasized by survivors throughout the consultations, many of whom have lost the breadwinners of the family and may be facing stigmatization and ostracism from their family and/or community as a result of the harm suffered. Some women also underscored the significant amount of money that many families had to pay as ransom to buy back members of their families in captivity, and the financial burden that this entailed. As one woman recalled, “many of us survivors were returned in exchange for large sums of money scraped together by our families and community. The efforts of our families should be compensated”.

Calls for financial compensation were always voiced together with important reminders that no amount would ever be enough to settle their suffering, as best exemplified by the words of one survivor: “Money cannot get our dignity back, but it’s what we need right now to survive”. This type of statements points to the risk of financial support being misconstrued as “blood money” offered to buy the silence or acquiescence of victims, and the importance of compensation being offered as part of a comprehensive reparation policy rather than as an isolated form of redress<sup>18</sup>. This aspect was repeatedly emphasized throughout the consultations, as one survivor noted: “Receiving compensation does not mean that we lose our right to talk about what happened or to support our cause for justice”.

When discussing what form should compensation take, the overwhelming majority (more than 96%) expressed their preferences for a system of monthly pensions, rather than a lump sum one-time payment (see *Fig.2*). This preference is reflected in the Draft Law, which foresees monthly pensions instead than lump sums under the provision of Article 8(1)<sup>19</sup>. This is also in line with international best practice, which shows that a pension system can best address power differentials within families and benefit women more than a one-off payment. Furthermore, the regular support that a pension-type of scheme entails would more likely be conceived as a more dignifying contribution to the quality of life of the survivor rather than as the price put on the harm or the loss endured by the victim, and in turn, can help foster trust in the institutions<sup>20</sup>.

Compensation in the form of a one-off payment is an avenue of redress that the Iraqi government has already explored in 2019 through a grant scheme sponsored by the Ministry of Migration and Displaced (MoMD). The programme, implemented in close coordination with KRG’s Ministry of Interior and the Office of Kidnapped and Rescue Affairs, was launched on 17<sup>th</sup> March 2019 and sought to provide 899 Yazidi women survivors with a one-off payment of 2 million Iraqi Dinar each (equivalent to approximately USD

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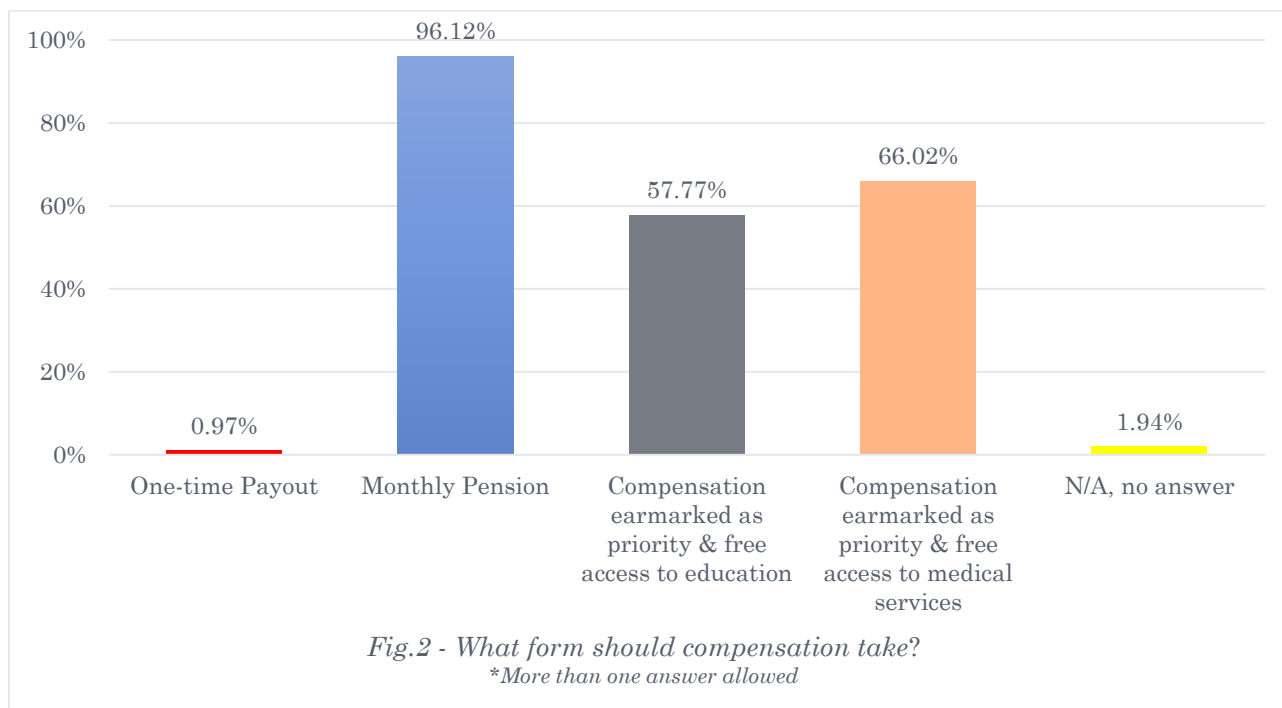
<sup>17</sup> UN Basic Principles, para. 20. See also: Office of the United Nations High Commissioner for Human Rights, ‘Rule-Of-Law Tools For Post-Conflict States: Reparations Programmes’ (2008), p.22. Available at: <https://www.ohchr.org/Documents/Publications/ReparationsProgrammes.pdf>

<sup>18</sup> Office of the United Nations High Commissioner for Human Rights, Rule-Of-Law Tools For Post-Conflict States: Reparations Programmes’ (2008), p.12.

<sup>19</sup> Art.8(1) Draft Law provides that “A survivor covered by this law shall receive a monthly salary no less than double the minimum of pension stipulated under the Unified Pension Law (9) of 2014”

<sup>20</sup> Office of the United Nations High Commissioner for Human Rights, ‘Rule-Of-Law Tools For Post-Conflict States: Reparations Programmes’ (2008), p.31.

1,670)<sup>21</sup>. According to MoMD estimates, 730 Yazidi women had been reached by 22 July 2019, with 169 more women to be targeted in the following months. The programme has however faced some criticism due to the lack of clarity surrounding its eligibility criteria and beneficiary selection process, an issue which also came to the fore during the consultations. While some of the survivors who took part to the consultations reported to have received the grant, many raised questions as to why they were not included in the scheme. Further clarification on the programme should hence be provided in order to ensure its effectiveness and safeguard its legitimacy, particularly if any extension is to be considered.



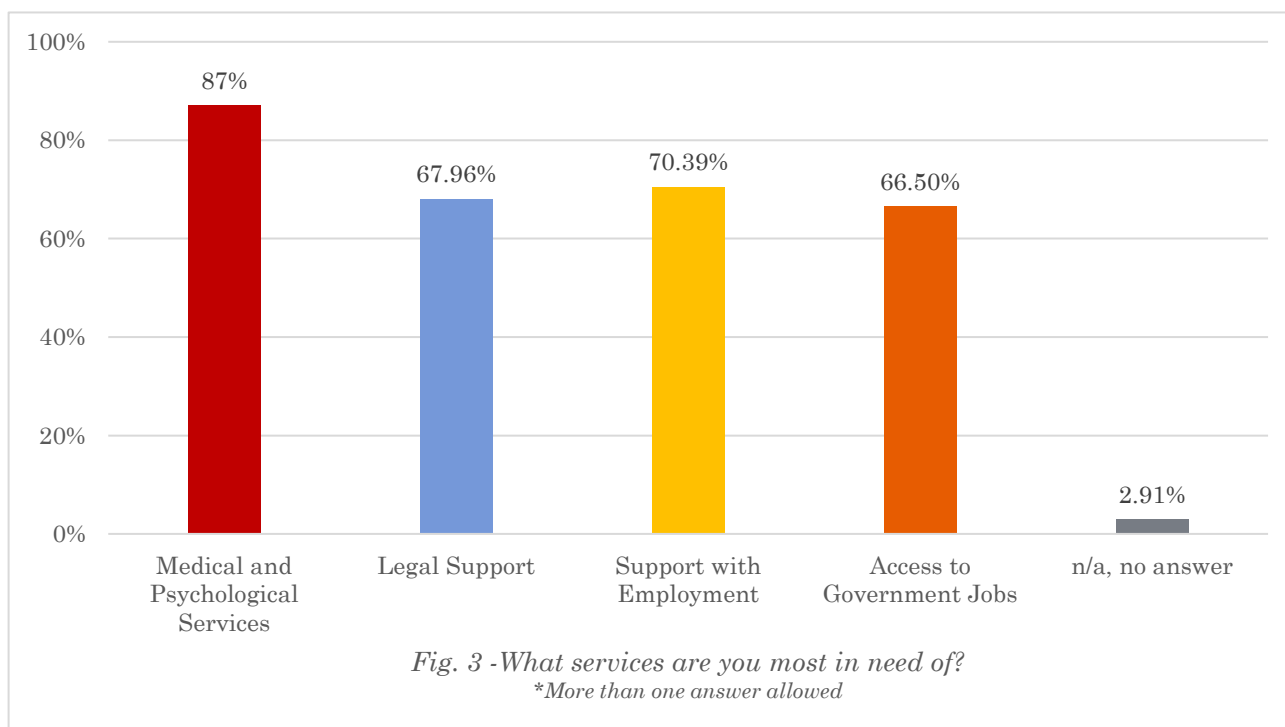
The majority of respondents also mentioned the importance of compensation in the form of indirect financial support, such as that designated as priority and free access to education (more than 57%) and medical services (more than 66%). In this regard, many survivors pointed to the difficulties they themselves or their children have been facing in going back to school after years in captivity, often framed in terms of financial and administrative hurdles: “I wanted to go back to school after I was rescued, but I was not accepted anywhere because I was told I was too old for the class I was supposed to be in”, said one young survivor, whose words were echoed by many other Yazidi women throughout the consultations. Others also pointed to administrative issues such as being required to present identification documents and certificates from previous schooling to be able to re-enroll their children, documents that were lost during years of captivity. Some of the respondents also claimed that they were asked to pay a monthly tuition fee to enroll their children in schools, ranging from 5,000 to 10,000 Iraqi Dinar, a financial burden that they simply could not bear<sup>22</sup>. As one survivor noted in a somber remark, “a whole generation is being left behind in ignorance”.

<sup>21</sup> See also: Kurdistan 24, “Iraq begins payment of 2 million dinars to each female Yezidi survivor”, 18 April 2019. Available at: <https://www.kurdistan24.net/en/news/b419dec9-7ece-4bbf-b3fb-8e3dd9159ea6>

<sup>22</sup> Many survivors reported this issue specifically in relation to Arabic schools.

## Rehabilitation

Rehabilitation as a form of reparation include measures ranging from medical and psychological care to legal and social services<sup>23</sup>. Rehabilitation is a crucial form of reparation for victims of serious violations, particularly CRSV, who require adequate access to specialized services for a prolonged period of time. This type of measures is often a necessary pre-condition for the victim to be able to benefit from other forms of reparations.



### i. Medical and Psychological Services

When discussing what type of services they are most in need for, the vast majority of survivors indicated access to medical and psychological services as a priority (87%, as per *Fig.3*). Despite some of the interim measures aimed at women's rehabilitation provided by Duhok Governorate's Board of Relief and Humanitarian Affairs (BRHA) and Duhok's Directorate General of Health in collaboration with international and local organizations, this finding speaks to the ongoing dearth of specialized services in IDP camps where the majority of survivors currently reside, and to the urgency for measures tailored to the specific medical and psychological needs of women<sup>24</sup>. Stigma related to mental health and to the experiences of women in captivity is still a factor playing a big role in hampering their access and even request for this type of services. This aspect came to light during the consultations, as women often faced difficulties in articulating their own psychological needs, and requests for specialized medical and

<sup>23</sup> Para 21 Basic Principles

<sup>24</sup> See for example Duhok's Survivors Center established by the UN Population Fund (UNFPA) and Duhok Directorate General of Health to support girls and women survivors of sexual violence in conflict with medical and psychological support. More info here: <https://www.unfpa.org/news/iraq-centre-brings-specialized-care-gender-violence-survivors>

psychological services were often framed in relation to the needs of other family members, particularly those of their children.

In this regard, many women were concerned with the lack of specialized rehabilitation services for rescued children who had been enlisted by ISIL as child soldiers, as one Yazidi survivor relates: “My son was taken by ISIL and was trained for battle. Since he came back, he has been easily irritated and aggressive, and refuses to acknowledge his family and to speak anything but Arabic. He thinks that ISIL will come back for him, I do not know what to do to help him”. Another woman spoke of a similar experience, expressing serious concerns for her own safety and that of her other children: “Since my son has been back, he has been more and more aggressive. He is often teaching violent techniques he learnt under ISIL to his siblings and threatens me when I try to discipline him. I do not know what to do. I do not want authorities to take him away from me, he is my son, but I have nowhere to turn for support”.

The Draft Law provides for the creation of health centers and clinics for the care and rehabilitation needs of survivors<sup>25</sup>. This is an important step forward, as victims of sexual violence, a predominant reality of many of the survivors consulted, and those suffering from psychological trauma have no recourse to remedies under the existing system of reparation under Law No.20. It is important that these services are led by medical staff and professionals who can cater to the specialized gender-based violence and psychological needs of survivors in line with international standards and best practices. It is also crucial that these services are provided alongside community-based interventions, such as awareness-raising and outreach activities to help eradicate stigma related to these services and type of violations<sup>26</sup>.

It is however disconcerting that the Draft Law does not include any explicit reference or provision aimed at the rehabilitation and reintegration of child soldiers. While the kidnapping and forcible conscription of thousands of children by ISIL, especially Yazidi children, is a widely acknowledged reality, to date no public policy has been put into place in Iraq to provide psychological care, support or reintegration for these children. This is not only an urgent need with important implications for any de-radicalization strategy at the national level, it is also an obligation for Iraq as a party to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which stipulates the right of children to “all appropriate assistance for their physical and psychological recovery and their social reintegration”<sup>27</sup>.

## ii. *Legal Support*

Many survivors (more than 67%) also reported their need for legal and administrative support, particularly in relation to the re-issuing of identity and civil documentation often lost or kept in custody of husbands who are now missing or have died. This is a process that could be particularly cumbersome and costly for survivors, also in terms of time and transportation, and which currently leaves a lot of women and their children in a legal limbo. Many respondents also suggested the issuing of a special ID for survivors, which would facilitate and prioritize their access to care and services, and simultaneously represent a form of symbolic recognition of their status as ISIL survivors.

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<sup>25</sup> See specifically Art. 4(2) and Art.5(2)(7)(8) of the Draft Law related to the rehabilitation of women survivors

<sup>26</sup> The World Health Organization can provide further guidance on this. See, for example: WHO, ‘Mental Health and Psychosocial Support for Conflict-Related Sexual Violence: Principles and Interventions’, 2012. Available at: [https://apps.who.int/iris/bitstream/handle/10665/75179/WHO\\_RHR\\_HRP\\_12.18\\_eng.pdf?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/75179/WHO_RHR_HRP_12.18_eng.pdf?sequence=1)

<sup>27</sup> UN General Assembly, ‘Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict’, Art. 6(3), 25 May 2000. Available at: <https://www.refworld.org/docid/47fdfb180.html>

While the lack of documentation is a reflection of the well-known legal challenges faced by many camps residents, it also brings to light an important consideration related to the evidentiary standards that a reparation program should adopt, one which should favor a lower and more flexible standard of proof to avoid placing undue burden on victims<sup>28</sup>. An evidentiary standard in the form of survivors' testimonies has already been used in the disbursement of welfare payments for Yazidi survivors at an earlier time under the system of Bataqa cards, no longer active at the moment<sup>29</sup>. A similar standard of proof should be used for a broader reparation system, such as the one envisaged under this Draft Law, and could also rely on the repository of testimonial evidence that CIGE has developed over the years. Not only would this allow to capitalize on CIGE's nature as an Iraqi institution, but it would also be in line with a survivor-centered approach which seeks to avoid having to re-interview survivors and limit, in turn, any possible re-traumatization that such a process may entail.

### iii. *Employment Support*

Many survivors also called for employment opportunities to secure a livelihood for their families. This was often expressed in the form of requests for vocational and skill-based training that would support them in finding and securing job opportunities, or in starting business of their own. Others acknowledged that they would face significant challenges in starting and sustaining a profitable business and asked for the government itself to start and operate businesses where survivors should be employed. Many also called for opportunities to be made available for them at governmental level, in what can be construed as a request for a secured income but also for further representation at policy making level.

The Draft Law foresees the establishment of a General Directorate for Female Survivors Affairs that would deal specifically with many of the aspects raised by the responses, from legal and administrative issues to educational and work opportunities. It further specifies that the Directorate will be located in the Nineveh Governorate and will also be dealing with the collection of women survivor's data<sup>30</sup>. Said location would be logistically challenging for many survivors to access, given that the majority of them resides in camps across Duhok governorate. It would thus be more useful to have the Directorate, or at least one of its sub-offices, located in Duhok to facilitate the access of survivors to the services. It would also be advisable for the Directorate to avoid duplications and work closely with other existing Iraqi institutions, such as CIGE, which already possess a wealth of information and data on survivors.

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<sup>28</sup> A lower standards of proof for CRSV cases is one of the main principles underscored by the UNSG in the 'Guidance Note of The Secretary-General: Reparations for Conflict-Related Sexual Violence', OHCHR, p. 14

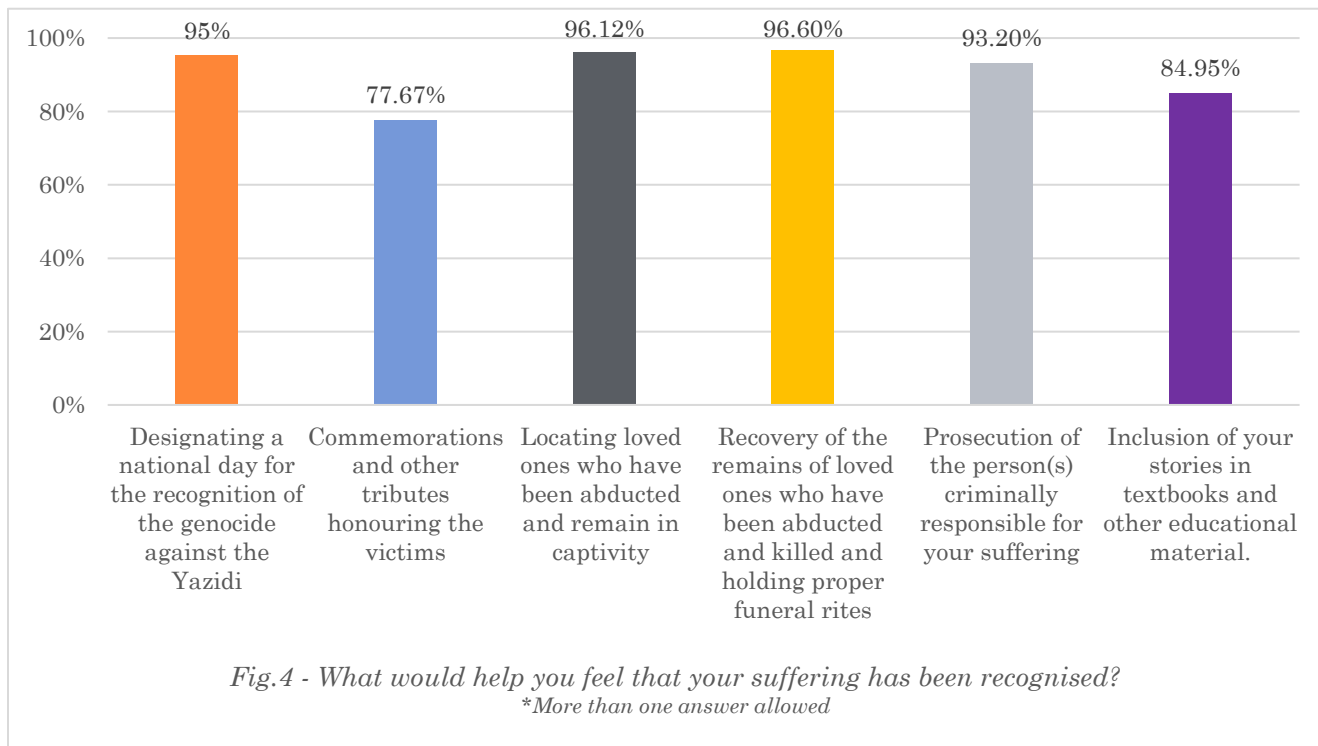
<sup>29</sup> This was an initiative of Iraq's Ministry of Labor and Social Affairs, which would allow Yazidi women and girls survivors to receive a small monthly stipend through the issuing of Bataqa cards. The NGO Yazda supported this scheme by facilitating the application process and identifying potential beneficiaries amongst those that provided testimony. A number close to 760 Bataqa cards have reportedly been issued, but the scheme stopped accepting new beneficiaries since 2016.

<sup>30</sup> See Article 3 and 5 of the Draft law



## Satisfaction

The primary aim of satisfaction measures is to give victims due recognition and thus support their process of psychological and social rehabilitation. They often come in the form of symbolic redress, as acts of public recognition and memorialization. Measures of satisfaction include, *inter alia*, the verification of the facts and full public disclosure of the truth, the search for the whereabouts of the disappeared, public apologies, judicial and administrative sanctions against persons liable for the violations, and commemorations and tributes to the victims<sup>31</sup>. All these measures came to the fore during the consultations, as *Fig.4* demonstrates.



### i. Official Recognition and Designation of a National Day

When discussing what type of measures should be taken in recognition of their suffering, the overwhelming majority of survivors underscored the importance of an official public recognition of the crimes committed against them as genocide. Intrinsic to this request is also the public acknowledgment of the crimes committed against Yazidi children and men. A national day for the recognition of the genocide was one of the most asked for measures (95% of respondents), which reveals broad support for the provision of Art.10 of the Draft Law which designates the 3<sup>rd</sup> of August of each year as a national day to commemorate crimes against the Yazidis. The Draft Law also includes a provision that officially recognizes genocide, but explicitly limits this recognition to the violations committed against Yazidi women, and thus failing to acknowledge the harm suffered by girls, boys and men<sup>32</sup>.

<sup>31</sup> Para 22 of the UN Basic Principles

<sup>32</sup> See Art.9 of the Draft law

## ii. Locating loved ones

For more than 96% of survivors, locating those still in captivity and recovering the remains of loved ones who were killed to hold proper burials, were identified as the most urgent and important measures of recognition of their suffering. Many survivors called upon Iraqi and Kurdish authorities to step up their search and rescue operations and locate missing family members, both in and outside Iraq: “We know of many Yazidi women and children are in the Al-Hol camp in Syria. The government should work on searching for them”. Other respondents alleged to be aware of the specific whereabouts of some of their loved ones still in captivity, but that they were not able to make any use of this information. One woman said, “my daughter was kidnapped by ISIL and she is currently with a family in Mosul. I have seen her with my own eyes, but the family refused to hand her over to me”. Similar claims were voiced by a number of women throughout the consultations, as another woman relates: “We have information about Yazidi children who are currently with families in Mosul. They should be identified and brought back to us by the authorities”. Such allegations should certainly warrant further investigation on the matter. According to the latest statistics from the Duhok-based Office of Kidnapped and Rescue Affairs, established by the KRG to document and coordinate rescue operations, more than 6,400 Yazidis have been abducted since 3 August 2014 and around 3,476 have returned, also thanks to the efforts and support of the Office itself<sup>33</sup>.

Of similar urgency is the request to resume and scale up the exhumation of mass graves in Sinjar, and the ensuing process of identification of the remains, to allow survivors to bury their loved ones in a dignified manner. Many expressed concerns with a perceived lack of adequate measures taken to secure the sites, worrying that the passing of time and harsh weather conditions could compromise the status of the remains in the mass graves (as well as the evidentiary value they may hold). As one survivor relates, “giving them a proper burial is the only way to preserve their dignity”. The national team, which also includes staff seconded by CIGE, with the support and oversight of the UN Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (UNITAD) and the International Commission of Missing Persons (ICMP), started excavation efforts in 2019, unearthing the first mass grave on 15 March 2019. By the end of 2019, the excavation of 16 mass graves in and around the village of Kojo in the Sinjar district was completed and, on 27 February 2020, the Medico-Legal Department and the Mass Grave Directorate in Baghdad announced the conclusion of the first identification efforts concerning the remains of 62 Yazidi victims<sup>34</sup>.

A concrete and explicit commitment towards search and rescue operations as well as exhumation and identification efforts should be made in the Draft Law, given the significance that these hold for survivors in recognition of their suffering. This is also particularly critical given that an estimated 3,000 Yazidi women and girls are reportedly still missing and unaccounted for. The Draft Law does provide for memorialization initiatives, delegating the task of defining their exact nature to the Ministry of Culture and other relevant authorities, and failing to acknowledge the important role that consultations with victims should play in the design of these initiatives themselves<sup>35</sup>. The consultations brought to light a

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<sup>33</sup> Official statistics of the Office of Kidnapped and Rescue affairs dated 8 September 2019, see (in Arabic): <http://yazidinews.com/blog/2019/09/08/احصائيات-مكتب-انقاذ-المختطفين-الايزي>. See also: Tom Westcott, ‘Iraq’s Yazidi survivors fight to start over’, *The New Humanitarian*, 2 September 2019. Available at: <https://www.thenewhumanitarian.org/feature/2019/09/02/Iraq-Yazidi-survivors-fight>

<sup>34</sup> See also: UN Security Council, ‘Third report of the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL in Iraq and the Levant’, 13 November 2019, S/2019/87. Available at: [https://www.un.org/ga/search/view\\_doc.asp?symbol=S/2019/87](https://www.un.org/ga/search/view_doc.asp?symbol=S/2019/87) and Saman Dawod, ‘Iraq to exhume bodies from Yazidi mass graves’, *Al Monitor*, 2 April 2020. Available at: <https://www.al-monitor.com/pulse/originals/2020/03/iraq-yazidis-mass-graves-minorities.html>

<sup>35</sup> See Art. 10(2) of the Draft Law

few suggestions in this regard, as many respondents proposed initiatives in the form of monuments and a special graveyard wherein the remains of all Yazidi victims of ISIL crimes should be reburied, as one woman noted: “The government should allocate us a plot of land to build a cemetery where can bury all our loved ones together in one spirit. It should be at the entrance of Sinjar so that people can be reminded of what we went through as they enter the city”. With regard to this specific suggestion, there seems to be growing consensus amongst Yazidi spiritual and tribal leaders to designate the area close to the Yazidi holy site of the Mazar Sharaf al-Din shrine, north of Sinjar mountain, as a common graveyard for Yazidi victims of ISIL<sup>36</sup>. Another frequently raised suggestion concerns the inclusion of the stories of survivors, and of the overall persecution of the Yazidis, in school textbooks and other educational material in an effort to build a full historical record, counter revisionism and educate on the causes of genocide.

### *iii. Prosecution and Full Disclosure of the Truth*

Another important measure for the overwhelming majority of survivors (93%) is the prosecution of those responsible for their suffering. The majority expressed their preference for fair trials, preferably at international level, for both retributive and truth-telling reasons. As one respondent relates, “We want the trial to be international so that they do not receive a death sentence. That would be too easy of a way out, they must also suffer living with the consequences of their actions”. Others saw prosecution at international level, following international criminal law, as an opportunity to achieve the full and public disclosure of the truth, allowing for the full extent of the harm to come to light, as one survivor claims: “We don’t want our captors to be accused of terrorism<sup>37</sup>. The world needs to know what they did to us.”

The Draft Law does reflect these calls for accountability only to a limited extent. Art 11 and 12 include a number of welcomed provisions in this regard, such as declaring that no general or special amnesty shall be applied to the perpetrators, and calling for their arrest, cooperation on their extradition, and for measures related to the protection of witnesses and survivors. While these details should be further elaborated through specific legislation for the prosecution of the alleged perpetrators, these provisions align with the UN Basic Principles’ measure of satisfaction related to ensuring judicial and administrative sanctions taken against persons liable for the violations<sup>38</sup>. They are, however, formulated with the narrow focus on perpetrators of the crime of abduction and enslavement, overlooking a wide range of crimes to which women in particular were subject to. In addition, Iraqi criminal laws in their current state make it hard to conceive of any fair prosecution of ISIL suspects in line with international standards which would guarantee the right to truth and justice sought after by survivors (see more below)<sup>39</sup>.

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<sup>36</sup> This is the same area used in August 2015 to bury the remains of 67 Yazidis killed by ISIL militants after the fall of Sinjar. For more information, see (in Arabic): <https://www.rudaw.net/arabic/kurdistan/130820151> and <http://www.altaakhipress.com/viewart.php?art=58638>

<sup>37</sup> This is a direct reference to the ongoing prosecution of ISIL suspects in Iraqi courts, which are currently held under the Anti-Terrorism Law No.13 of 2005 and only lead to convictions for terrorism-related offences.

<sup>38</sup> UN Basic Principles para. 22(f).

<sup>39</sup> It is also worth noting that, despite the important step taken by Iraq in the field of witness protection by issuing Law No. (58) of 2017 on the *Protection of Witnesses, Experts, Informants and Victims* in criminal and terrorism-related proceedings, its implementation is still lagging behind.

## *Guarantees of non-repetition*

Guarantees of non-repetition constitute another important form of reparation that lends legitimacy to the overall process of redress. They include measures to contribute to the prevention of violations, such as ensuring effective civilian control of military and security forces, protecting human rights defenders, providing human rights education, and reviewing and reforming laws contributing to or allowing gross violations of international human rights law<sup>40</sup>.

These types of commitments play a particularly important role in the context of a growing loss of trust in the state's institutions, such as the one noticed within the Yazidi community. The Draft Law remarkably fails to include any provision addressing guarantees of non-repetition, which however do represent an important pre-condition for survivors to ascribe any legitimacy to the process of reparations. This was best exemplified by the words of one survivor, who argued: "This is just one of the many genocides that the Yazidis have suffered. What is the point of any reparation if this is going to happen to us again in a few years?".

### *i. Formal Recognition of the Crimes*

A formal recognition of the genocide by the government in the form of an official declaration or legislation would be a first step forward in this direction, as many respondents pointed to the lack of any official acknowledgement of previous persecution campaigns against the Yazidis as one of the different factors that led to it happening again in 2014. "This was just the latest of many genocides that the Yazidis have gone through. It will keep happening again and again. We need something more concrete than statues", said a survivor, echoing a shared sentiment among many respondents.

### *ii. Security Sector Reform and Representation*

Effective security sector reform is also a recommended preventive mechanism that can help to reduce risks and build resilience to atrocity crimes<sup>41</sup>. This was also a common request from survivors, who asked for a strengthening of security forces, a more robust civilian oversight and a substantial inclusion of Yazidi representatives into the security forces, as one respondent explained: "We want military forces protecting our areas, and a special Yazidi unit to be part of it so we can feel safer". Some also called for an international protection of Sinjar, highlighting the deep sense of insecurity associated with the area. Many survivors also called for more representation of the Yazidi community at the political level as one important prerequisite to help them address a growing feeling of marginalization in society. "It would help us to have a survivor like us in government that could represent us and make our voices be heard", suggested one of the respondents.

### *iii. Legal Reform*

Another important measure of guaranteeing non-repetition is "reviewing and reforming laws contributing to or allowing gross violations of international human rights law and serious violations of international

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<sup>40</sup> UN Basic Principles, para. 23.

<sup>41</sup> This is also one of the mechanisms recommended by the Special Adviser to the Secretary General on the Prevention of Genocide, See Human Rights Council, 'Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser to the Secretary-General on the Prevention of Genocide', A/HRC/37/65, June 2018, para. 41. Available at: [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/37/65](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/65)

humanitarian law”<sup>42</sup>. This is particularly relevant when looking at Iraq’s criminal laws, which, in their current state, arguably fail to provide adequate protection for women and girls. Iraq’s definition of rape, forced marriage, and torture, for example, fail to fully define, punish, and redress sexual and gender-based violence crimes. Amending the definitions of these crimes to align them with international standards is an important step towards ensuring a non-discriminatory application of the rights of victims, and a proper redress for the unique harms faced on the basis of gender and sex<sup>43</sup>. In a similar manner, codifying at domestic level the international crimes of genocide, crimes against humanity and war crimes would provide the opportunity to address many of the demands brought forward by survivors, including help building a complete historical record, honor the experiences of victims by acknowledging the full extent of the harm, and ensuring full accountability for ISIL’s crimes.

#### *iv. Education Reform*

For decades, Iraq’s curriculum in public schools did not include the history and culture of many minority groups, including the Yazidis, a factor which contributed to fostering ignorance about their beliefs, culture and traditions. Although this situation has improved since 2003, there is still much need for improvement when it comes to education on minorities and their representation in schools. In 2012, Yazidis, Christians, Sabeen-Mandaeans and Shabaks managed for the first time to be more accurately represented in textbooks. Nevertheless, the inaccurate and potentially dangerous portrayals of minorities arising from such a limited educational legacy are not easily rectified, as evidenced by the negative stereotypes of ethno-religious minorities that continue to be perpetuated amongst both younger and older generations<sup>44</sup>. There is thus a critical need to reform the education syllabus to adequately include and represent Iraq’s ethno-religious minorities in order to help debunk dangerous myths and misconceptions that provide fertile ground for discrimination and support peaceful coexistence.

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<sup>42</sup> UN Basic Principles, para 23(h).

<sup>43</sup> Since Iraq is a signatory of a number of international human rights law treaties such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Covenant on Civil and Political Rights (ICCPR), as well as the Convention on the Prevention and Punishment of the Crime of Genocide, and the Geneva Conventions, amending the definition of these crimes would also go a long way towards addressing Iraq’s international obligations to eliminate discrimination against women.

<sup>44</sup> Sa’ad Salloum, *Minorities in Iraq: Memories, Identity and Challenges*, Masarat for Cultural and Media Development, 2013.

## CONCLUSION AND RECOMMENDATIONS

The findings of this report, and the needs and opinions of the survivors it seeks to give a voice to, underscore the potential behind the Draft Law to turn into a transformative and far-reaching reparation policy for victims of ISIL abuses. A close analysis of the needs of Yazidi women survivors reveals the many issues and challenges that still need to be addressed to respond in a comprehensive and meaningful manner to the harm they suffered. The voices of survivors have been essential in identifying these gaps and the additional elements that are necessary in designing a reparation policy that fully caters to their specific needs and context. In addition to the analysis already provided throughout the report, CIGE further recommends:

- Revise the scope and definition of beneficiary in the law to include all women survivors of CRSV from all ethnic-religious minorities, as well as the immediate family or dependents of women who may have died as a result of the violations;
- Officially recognize CRSV and mention CRSV crimes in the text of the law;
- Provide free and immediate medical and psychosocial support to survivors through medical and professional staff specialized in responding to sexual violence in line with international standards and best practice;
  - Create a system of referral to specialized institutions for further psychosocial and medical support;
- Design and implement programs for the rehabilitation and reintegration of child soldiers bringing together international and local expertise on the subject;
- Provide free and unimpeded access to schooling and remedial education programs for survivors and their children;
- Clearly define the eligibility criteria and ensure the transparency of the existing scheme of financial support for survivors, the MoMD grant, to guarantee its effectiveness and legitimacy, and possibly expand its reach;
- Support the establishment of simplified procedures for survivors to obtain or have re-issued civil documentation that may have been lost or damaged;
  - Conduct extensive outreach campaigns to inform survivors on these procedures and on those related to reporting missing persons.
- Define a flexible and low evidentiary standard to establish the eligibility criteria to reparation benefits, including provision of testimonial evidence as a possible standard of proof;
- Work closely with different government organizations, such as CIGE, but also NGOs in centralizing data on survivors already available;
- Support community-level reconciliation initiatives to be implemented alongside the reparation program;
- Reform Iraq's legal system to align definition of crimes to international standards and guarantee women effective protection against discrimination, in particular:
  - Repeal Iraq's reservations to CEDAW, specifically to Art.2(f) and (g), Art.9(1) and (2) and Art.16, and commit to gender equality in its legislation;
  - Adopt domestic legislation criminalizing genocide, crimes against humanity, and war crimes in line with international legal standards and Iraq's legal obligation as a signatory to a number of international human rights treaties.
- Work towards the implementation of the commitments taken under the *Joint Communiqué of the Republic of Iraq and the United Nations on Prevention and Response to Conflict-Related Sexual*

*Violence* (2016), towards the protection of women and girls, men and boys from sexual violence and the provision of adequate care and services for survivors<sup>45</sup>.

- Develop clear and non-discriminatory legislative provisions for the regularization of children born out of rape to help fight stigma and support the reintegration of women and children into society;
- Promote the inclusion and participation of more representatives of ethnic minorities at parliamentary and ministerial level;
- Support a security sector reform which allows for the substantial inclusion of members of the ethnic minorities within the security forces, particularly those tasked with securing their settling areas;
- Support the reform of the education syllabus so that the history and culture of ethno-religious minorities is adequately included and represented to help foster peaceful coexistence;
- Commit investment in areas where the violations took place and where survivors have or may in future return;
- Conduct further and broader consultations with survivors and families of victims to inform any initiative aimed at addressing the needs and rights, and support the government in setting priorities over the short, medium, and long term;
- Work closely with and support the efforts of civil society in identifying and advocating for the rights and needs of ISIL crimes;
- Establish effective outreach mechanisms to inform survivors on the reparation benefits, and related claiming process, once available.

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<sup>45</sup> Joint Communiqué of the Republic of Iraq and the United Nations on Prevention and Response to Conflict-Related Sexual Violence, 23 September 2016, Available at: [https://www.un.org/sexualviolenceinconflict/wp-content/uploads/joint-communicue/join-communicue-of-the-republic-of-iraq-and-the-united-nations-on-prevention-and-response-to-crsv/Joint\\_Communique\\_of\\_the\\_Govt\\_of\\_Iraq\\_and\\_UN\\_9\\_2016\\_ENG.pdf](https://www.un.org/sexualviolenceinconflict/wp-content/uploads/joint-communicue/join-communicue-of-the-republic-of-iraq-and-the-united-nations-on-prevention-and-response-to-crsv/Joint_Communique_of_the_Govt_of_Iraq_and_UN_9_2016_ENG.pdf)

## ANNEX 1 – Project Timeline

