

Iraq's Yazidi Survivors Law: Report on Year One of Reparation Applications



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Cover Photo: FYF's protection team helps a survivor apply for reparations under the YSL in Khanke IDP Camp, Duhok, Iraq.

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Executive Summary

On 1 March 2021, the Iraqi Council of Representatives adopted the Yezidi [Female] Survivors Law No. 8 of 2021 (YSL), establishing a groundbreaking reparation program for Yezidi, Turkmen, Shabak, and Christian survivors of ISIS atrocities. Applications opened on 7 September 2021.

The YSL is a significant step for justice. It acknowledges international crimes perpetrated by ISIS against the four ethnic and religious minority communities. It also combines broader reparation measures, including accountability and memorialization, with individual measures, including monthly payments and housing. Statistics shared until now demonstrate progress processing applications and distributing monthly payments, and the General Directorate for Survivors' Affairs has taken steps to implement benefits related to mental health services and education.

The Free Yezidi Foundation's work with Yezidi survivors in the Kurdistan Region of Iraq (KRI) since applications began has revealed areas for improvement in the YSL application process. The requirement to file a criminal complaint as a precondition for YSL applications is creating significant barriers to accessing reparations for many survivors. The use of pre-existing evidence available from survivors is not maximized. Furthermore, the eligibility requirements are narrowly interpreted to exclude children born during captivity to mothers who were pregnant at the time of their abduction, depriving them of their right to reparation. There is also no branch office for the Directorate in the KRI, which creates accessibility issues for displaced Yezidi survivors. Survivors and civil society are not well informed on developments surrounding the YSL, which increases risk of misinformation. To address these issues, FYF has formulated several recommendations to the Government of Iraq (GoI), Kurdistan Regional Government (KRG), and international community and donors.

Recommendations

A. To the Directorate General for Survivors' Affairs and the Committee

- Drop investigative papers as a mandatory supporting documentation requirement by instead taking into consideration the various other supporting documents available or inviting applicants for interviews with the Committee;
- Cooperate with GoI and KRG institutions, civil society organizations (CSOs), and international bodies, particularly those involved in documentation efforts, such as the KRG Commission for Investigation and Gathering Evidence (CIGE) and the UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD), for the secure sharing of information based on informed consent;
- Drop the narrow interpretation of the YSL eligibility requirements to declare eligible children born during captivity to mothers who were pregnant at the time of abduction;
- Expedite the processing of applications under the YSL and effectively and timely communicate decisions to applicants, providing them with information on next steps, including how and when to collect benefits or how and when to launch an appeal;
- Improve communication with applicants, survivor communities, and the broader public, including by releasing regular statistics and updates on implementation through various channels and setting up a means of direct communication with survivors by taking into consideration their accessibility;
- Improve communication with civil society, including having regular meetings with diverse CSOs to mutually inform one another and explore opportunities and challenges;
- Coordinate with other governmental bodies to implement remaining reparation measures under the YSL, including individual benefits, such as housing and employment, and broader measures, such as creating a search committee for the missing, exhumation of mass graves, criminal accountability, and memorialization.

B. To the Ministry of Labor and Social Affairs and the Government of Iraq

- Dedicate ministry staff and resources to effectively coordinate with the Directorate on the implementation of the YSL;
- Allocate sufficient resources to the Directorate to hire more qualified staff for processing applications, coordinating with governmental bodies for distribution of benefits, communicating with survivors and the broader public, and coordinating with civil society;
- Cooperate with the KRG for the swift and full implementation of the YSL, including through the opening of a branch office of the Directorate in Duhok governorate, sharing information based on informed consent for verification of reparation claims, and pooling resources for the search and rescue of missing Yazidis.

C. To the Kurdistan Regional Government

- Cooperate with the Gol for the swift and full implementation of the YSL, including through the opening of a branch office of the Directorate in Duhok governorate, sharing information based on informed consent for verification of reparation claims, and pooling resources for the search and rescue of missing Yazidis.

D. To the International Community and Donors

- Closely monitor the implementation of the YSL by engaging with governmental and non-governmental actors;
- Raise recommendations for improvement formulated by survivors and civil society in both bilateral meetings with government officials and in official communications in international forums, which the Gol is part of;
- Support civil society participation in the implementation of the YSL, including by involving civil society representatives in closed meetings and open events on the YSL, particularly those with government officials, and earmarking funding for civil society on transitional justice

and reparations, with a focus on developing the capacity of CSOs to continue supporting YSL applicants and monitoring next phases of YSL implementation.



FYF's protection team helps a survivor apply for reparations under the YSL.



FYF's protection team supports a Yazidi male survivor to apply for reparations under the YSL.

I. Introduction

Based on observations from the FYF protection team, consisting of a lawyer and two protection officers who have worked with Yezidi survivors since applications began in the KRI, this report provides an overview of the successes of the YSL's implementation and points to areas for improvement in its application process. We first provide information on the adoption of the YSL and summarize the work undertaken by FYF since its adoption. Following this, we outline the perceived successes of the YSL. We then move on to challenges in the application process, highlighting evidentiary requirements, a narrow interpretation of the YSL's eligibility requirements, and accessibility issues.

II. Background

On 1 March 2021, the Iraqi Council of Representatives adopted the YSL, a ground-breaking legislation that not only recognizes genocide and other international crimes perpetrated by ISIS against the Yezidi, Christian, Shabak, and Turkmen communities, but also provides for material and symbolic reparations for survivors of these atrocities.

On 7 September 2022, the General Directorate for Survivors' Affairs responsible for overseeing the YSL's implementation announced that applications under the YSL were opened. Women and girls from the four communities who survived ISIS captivity, male Yezidis who were minors when they were abducted, as well as all persons from the four communities who survived mass killings by ISIS can apply for reparations. The application consists of a form asking the applicant for various information, including personal information and the nature of the violations they were subjected to. Applicants must also submit documents establishing their identity and supporting the information related to the violations. The application form can be submitted through an online portal, completed in hardcopy and physically submitted to the Directorate, or completed with the support of the Directorate staff by booking an appointment and visiting the Directorate offices (currently in Mosul and Sinjar). In some cases, applicants are invited to an interview with an eight-person Committee consisting of representatives

of various governmental bodies and headed by a judge, which is tasked with deciding on individual reparation applications under the YSL.

The YSL is significant because it acknowledges the suffering of Yezidi, Christian, Shabak, and Turkmen communities and tasks several ministries and governmental bodies with working on the search for the missing, criminal accountability, and memorialization – three critical demands that have been voiced by the Yezidi community since immediately after the 3 August 2014 genocide. For Yezidis, this law is also valuable because it is the first Iraqi legislation recognizing one of many genocides faced by the community throughout history.

Furthermore, the YSL provides for individual material reparations for survivors of ISIS crimes belonging to one of the four communities, with a focus on women and girls who survived conflict-related sexual violence (CRSV). The benefits include a monthly payment, a plot of land with a government loan or a free housing unit, medical and mental health and psychosocial support (MHPSS) services, and a return to education and employment. By combining broader symbolic measures acknowledging ISIS atrocities with material benefits for individual survivors, the YSL serves as a crucial step to restoring the sense of equal citizenship of survivors and the four communities targeted by ISIS. Survivors are provided with a platform to voice their stories after waiting many years for the GoI to take concrete steps for justice.

The YSL also established the General Directorate for Survivors' Affairs, a government body under the Ministry of Labor and Social Affairs, tasked with supporting and caring for survivors. The Directorate is headed by a Yezidi woman, Sarab Elias, as per the stipulations under the law. The creation of an official body dedicated to survivors is a positive development in providing the support they need.

CSOs based in the KRI, Federal Iraq, and abroad in countries where survivors have resettled have played an important role supporting survivors applying for reparations under the YSL. This role includes

raising awareness on the right to reparation and the YSL, supporting individual reparation applications, providing supporting documents to submit alongside applications, supporting the implementation of the YSL through the provision of MHPSS services to applicants and beneficiaries, and monitoring and documenting the YSL application and implementation processes to advocate for improvement in line with a survivor-centered approach.¹

III. FYF's Work on the YSL

FYF began its work on the YSL with outreach on the right to reparation and the law. 15 members of FYF's all-Yezidi Harikara Team², 11 of whom were women, conducted outreach sessions with 2,273 persons from January 2022 to March 2023 in Khanke, Sharya, and Sheikhan, which included male and female Yezidi survivors eligible under the YSL. The protection team attended 28 of these outreach sessions to expand on questions and inform the community and survivors of recent developments surrounding the YSL.

As soon as the application form became accessible in September 2022, the FYF protection team established its internal structures and procedures for the provision of legal and MHPSS services to survivors applying for reparations. These included extensive trainings for the protection team on the YSL application framework and trauma-informed interviews, as well as the creation of a Standard Operating Procedure detailing the provision of YSL services and ethical guidelines specific to YSL-related services.

The team began supporting applications in October 2022 and simultaneously opened a YSL helpline whose number was distributed among the Yezidi community by the Harikara team. As of 31 August 2023, the protection team provided consultations to 165 Yezidi women, men, and children and supported 18 Yezidi survivors with their YSL applications. The protection team regularly follows up on each application with survivors, the Directorate, and other governmental bodies, as necessary, to ensure that applications are being processed and survivors start receiving benefits or lodge timely appeals depending on the outcomes of their applications.

The team also provides MHPSS services, including case management, individual and group therapy, and peer support sessions, and makes external referrals based on informed consent, when necessary.

In March 2023, FYF, alongside seven other CSOs, signed an Agreement of Cooperation with the Directorate to provide MHPSS services to both YSL applicants and beneficiaries³. Since 5 July 2023, the Directorate has referred eight Yezidi survivors for MHPSS services to FYF.

In October 2022, FYF spearheaded the creation of a questionnaire to monitor the YSL application process with the Coalition for Just Reparations (C4JR), a civil society coalition of 33 organizations (including FYF) advocating for reparations for survivors of ISIS atrocities⁴. The questionnaire was finalized in June 2023. In July 2023, FYF co-hosted a workshop for CSOs with the C4JR and International Organization for Migration (IOM) Iraq on how to monitor the YSL application process by using the questionnaire. With the support of IOM Iraq, FYF will administer the C4JR questionnaire among Yezidi survivors to support civil society monitoring of the YSL application process and advocate for improvements.

To document and share its experiences working on the YSL, FYF is also co-authoring a guide for CSOs

1 Notable recent publications include Farida Global Organization, *Guidance on Supporting Survivor Applications under the Yazidi Survivors Law (March 2023)*, <https://faridaglobal.org/wp-content/uploads/2023/03/Guidance-on-Supporting-Survivor-Applications-under-the-Yazidi-Survivors-Law.pdf> and the Coalition for Just Reparations, *More Than "Ink on Paper": Taking Stock Two Years After the Adoption of the Yazidi [Female] Survivors Law (March 2023)*, <https://c4jr.org/wp-content/uploads/2023/03/More-than-Ink-on-Paper-two-years-after-YSL-adoption-report-FIN-ENG.pdf>. The Coalition has also started publishing a regular newsletter on the YSL. See C4JR, *The First C4JR YSL Newsletter (August 1, 2023)*, <https://c4jr.org/0108202327695>.

2 FYF's Harikara (Kurmanji for "helpers") team work on outreach and awareness-raising in IDP camps on a range of issues, including mental health, gender equality, and human rights. For further information, see FYF, *The FYF Harikara Model (October 2020)*, <https://freeyezidi.org/news-updates/fyfs-harikara-model-presented-at-usaid-virtual-summit/>.

3 IOM Iraq, *Toward Comprehensive Rehabilitation: Mental Health Service Referral System Launched for Genocide Survivors in Iraq (March 28, 2023)*, <https://iraq.iom.int/news/toward-comprehensive-rehabilitation-mental-health-service-referral-system-launched-genocide-survivors-iraq>.

4 For further information on the C4JR, see <https://c4jr.org>.

supporting YSL applications with Farida Global Organization and IOM Iraq, to be released in 2023, which will serve as a manual for organizations in Iraq and elsewhere providing application support to survivors under the YSL.

IV. Successes of YSL Implementation

The GoI has made significant progress processing applications and distributing monthly payments. The Minister of Labor and Social Affairs announced that as of 19 June 2023, 1,670 applications were made under the YSL. Applications from 485 women and 353 children were accepted, and 603 survivors were provided with Master Cards to start collecting their monthly reparation payments⁵. This means that in 10 months the Committee approved over 50% of applications, and over 70% of approved applicants began receiving their reparation payments. Given that most survivors are living in extreme poverty, these monthly payments under the YSL carry the potential to concretely improve survivors' lives.

While it appears that the distribution of monthly payments has been prioritized under the YSL, the Directorate and GoI have also taken steps to implement other reparation measures foreseen under the YSL. The MHPSS referral system set up by the Directorate, in cooperation with CSOs, is noteworthy. The Directorate also supported 13 survivors to return to education, with 27 others expected to return next year.⁶

In June 2023, the GoI announced that 25 billion IQD (\$19 million) was allocated to the YSL, demonstrating commitment to the reparation program.⁷ This budget should be utilized to accelerate the distribution of both monthly payments and other reparation measures, both individual and collective.

V. Improvements for the Road Ahead

The YSL is ambitious in terms of its promises. It will take time, effort, and continuous and full political commitment for these promises to eventually be delivered to survivors. Recognizing the successes of the implementation phase until now, with over 600 survivors starting to receive monthly payments,

there are also areas for improvement that would increase the effectiveness and efficiency of this reparation program.

Survivors FYF works with particularly emphasized launching coordinated efforts to find missing persons, accelerating the exhumation of mass graves, legislating international crimes to hold ISIS perpetrators accountable for genocide and crimes against humanity, and facilitating the return of displaced Yazidis through housing and improvement of security and infrastructure in Sinjar.

Below are FYF's recommendations to improve YSL implementation and thereby address issues with the YSL application process identified by the FYF team based on FYF's work with survivors summarized above.⁸

A. Burdensome Evidentiary Requirements

The Directorate should cooperate with the GoI and KRG institutions, as well as CSOs and international bodies, to set up secure ways for sharing information based on informed consent, so YSL applicants are not overburdened with retrieving documents from multiple institutions.

The fact that the YSL is an administrative program (as opposed to a judicial process), and the law and the bylaws provide for relaxed evidentiary standards, is in line with both the reality of survivors and best practices. Shortly after applications began, however, the Committee introduced a new evidentiary requirement: investigative papers from the criminal court demonstrating that the applicant filed a criminal complaint. Survivors, as well as local and international CSOs and international organizations, have since voiced their concerns that

⁵ See C4JR Newsletter, note 1 above.

⁶ Ibid.

⁷ Alannah Travers, "Nine years after the Yazidi genocide, what's next for survivors?", Al Jazeera (August 3, 2023), <https://www.aljazeera.com/news/2023/8/3/nine-years-after-the-yazidi-genocide-what-next-for-survivors>.

⁸ Since the distribution of benefits started fairly recently, observations on those will be reported after FYF has sufficient data.

this requirement unduly burdens survivors applying for reparations.⁹

Many survivors do not have investigative papers and must travel to Federal Iraq from the KRI to obtain them, which creates similar accessibility issues explained above with regards to the location of the Directorate. For survivors who resettled abroad, accessing these courts is very challenging, if not impossible, delaying or effectively preventing their access to reparations. Moreover, most survivors already provided prior testimony to an official body, while many of them provided testimony to multiple different governmental and non-governmental bodies. Repetitive interviews are re-traumatizing for survivors, especially those who survived CRSV, and this may be exacerbated due to the lack of gender sensitivity and trauma awareness by judicial employees. In many cases FYF consulted, survivors had to visit multiple courts several times to obtain their papers. Another issue is that even if the mother of a minor survivor filed a criminal complaint on behalf of the child, the child is asked to file another complaint if they are over 18 at the time of the YSL application. These requirements create barriers to accessing the right to reparation, and the Committee should therefore drop the investigative paper requirement.

Removing this requirement does not mean that applications will be approved without scrutiny as to their genuineness. Also, efforts to hold ISIS accountable must move forward without obliging survivors to file criminal complaints. Most survivors have other evidence, such as official letters, photographs, media articles, and witness testimony. The Committee should take all this evidence into consideration when deciding on applications and, if necessary, invite the applicant for an interview with the Committee. The same evidence should be used by judicial bodies, based on informed consent, to prosecute perpetrators.

B. Narrow Interpretation of Eligibility Requirements

The Committee should drop the narrow interpretation of the YSL and declare children born in captivity to mothers who were pregnant at the time of their abduction eligible.

The text of the YSL limits eligibility to three categories of survivors: women and girls from the

four communities who survived ISIS captivity, Yezidi boys who were minors when they were abducted, and all persons from the four communities who survived mass killings. In practice, these eligibility requirements are being narrowly interpreted to exclude Yezidi children born during captivity to a Yezidi mother and Yezidi father.

In two cases FYF consulted, the mother was told that the child born during captivity is not eligible. Considering that thousands of Yezidi women were kidnapped as of 3 August 2014, there are likely

several women who were pregnant when ISIS abducted them and who gave birth while in captivity. These children were born into dangerous conditions, survived grave human rights violations, and were deprived of a healthy and stable childhood. The text of the YSL does not include any limiting language regarding the date of birth of the applicant.

C. Accessibility Issues

i. Location of the Directorate

The Ministry should coordinate with KRG officials to open a branch office for the Directorate in Duhok, which will improve survivors' access to the Directorate and facilitate the implementation of benefits.

The Directorate is headquartered in Mosul and has a branch office in Sinjar. This is creating accessibility issues for the over 180,000 Yezidi survivors who remain displaced in the KRI¹⁰. Traveling to Mosul, where many survivors were held captive by ISIS, is re-traumatizing. Survivors have expressed that visiting the site of the many violations they were subjected to will be triggering. Most survivors do not feel safe traveling to Mosul, whereas many also do not feel safe traveling to Sinjar. There are additional challenges, such as the burden of transportation

9 See, for instance, “*Statement on the implementation of the Yazidi Survivors Law: NGOs and experts raise concerns over requirement for survivors to file criminal complaints to receive reparation*” (April 16, 2023), <https://c4jr.org/1604202327376>;

10 August 2022. UN. More than 200,000 Yazidis still displaced in Iraq. <https://www.arabnews.com/node/2136071/middle-east>

costs, childcare responsibilities, and mobility restrictions. This is preventing survivors from being able to visit the governmental body created for them, putting distance between the YSL and survivors.

ii. Communication by the Directorate General

The Directorate and/or the Ministry should regularly publish disaggregated statistics concerning YSL applications, as well as concrete developments in the implementation of various reparation benefits, and explore alternatives to Facebook to communicate with the broader public and survivors. These can include a Viber channel (as Viber is used widely) or collaborations with CSOs whose outreach teams can help deliver information to survivors who do not have access to a phone or internet, have disabilities, or are illiterate. Moreover, the Directorate should create a means of direct communication with survivors, such as a formal helpline staffed by the Directorate. The staff communicating with survivors must either speak Kurmanji or have a Kurmanji interpreter available.

The Directorate has a Facebook page through

which it regularly announces working hours of the offices, visits by the Director General, speeches by the Minister, etc.¹¹ While these announcements are helpful, Facebook is not accessible to all survivors, the information shared on Facebook is limited, and not all survivors speak Arabic. By utilizing additional communication channels, survivors will increasingly have direct access to accurate and up-to-date information concerning the YSL, which will help clarify any confusions and combat misinformation.

VI. Conclusion

The YSL's implementation is progressing, albeit slower than anticipated. The fact that survivors have started receiving monthly reparation payments is a crucial step, which is strengthened by the GoI's allocation of budget for YSL implementation. There are areas concerning implementation, particularly the application process, which can be improved. Addressing these areas will further concretize the GoI's commitment to the YSL and send a message to survivors that their voices are being heard.

11 See Directorate General of [Survivors Affairs Facebook Page](#)



FYF's protection team helps a survivor apply for reparations under the YSL.



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