

Farida Global Organisation

GUIDANCE ON SUPPORTING  
SURVIVOR APPLICATIONS UNDER  
THE YAZIDI SURVIVORS LAW



Farida Global Organisation (FGO) is a global non-profit and non-governmental organization (NGO) founded and led by survivors of the Yazidi genocide (فرمان) and conflict-related sexual violence (CRSV), who have advocated for survivors' protection and rights since their escape from ISIS captivity. In this context, FGO acts with its partners in the international community to give voice and support to and uphold the human dignity and well-being of survivors and their communities.

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## ACRONYMS

<b>BW</b>	Federal State of Baden-Württemberg
<b>C4JR</b>	Coalition for Just Reparations
<b>CSN(s)</b>	Civil society network(s)
<b>CSO(s)</b>	Civil society organization(s)
<b>CRSV</b>	Conflict-related sexual violence
<b>EED</b>	European Endowment for Democracy
<b>FGO</b>	Farida Global Organization
<b>FGM</b>	Female Genital Mutilation
<b>GoG</b>	Government of Germany
<b>GoI</b>	Government of Iraq
<b>IDP</b>	Internally Displaced Person
<b>IDSA</b>	Iraqi General Directorate for Survivors Affairs
<b>IMS</b>	Instant messaging services
<b>IOM</b>	International Organization for Migration
<b>ISIS</b>	Islamic State in Iraq and Syria
<b>MHPSS</b>	Mental health and psychosocial support
<b>M&amp;E</b>	Monitoring and evaluation
<b>NGO(s)</b>	Non-governmental organization(s)
<b>NPO(s)</b>	Non-profit organization(s)
<b>PFA</b>	Psychological First Aid
<b>PTSD</b>	Post-traumatic stress disorder
<b>SQP(s)</b>	Special Quota Project(s)
<b>SOP(s)</b>	Standard Operating Procedure(s)
<b>SMBW</b>	State Ministry of Baden-Württemberg

<b>SLO(s)</b>	Survivor-led organization(s)
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNHRC</b>	United Nations Human Rights Council
<b>UN OHCHR</b>	United Nations Human Rights Office of the High Commissioner
<b>UNITAD</b>	United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL
<b>YSL</b>	Yazidi Survivors Law

## EXECUTIVE SUMMARY

“There are many challenges survivors face in submitting the applications and we hope for support.”<sup>1</sup>

Almost two years after the Yazidi Survivors Law’s (YSL) passage, the Iraqi General Directorate for Survivors’ Affairs (IDSA) has begun accepting applications from Yazidi, Shabak, Christian, and Turkmen survivors and other groups considered under the law in order to establish their right to reparation under the YSL. It is hence possible to take stock of the current status of the implementation of the law in light of good practices, lessons learned, and the ongoing challenges survivors face.

Based on experiences gathered so far by survivors and civil society, Farida Global Organisation (FGO) has developed technical and psychosocial guidelines for how survivor applications can be supported. We also highlight obstacles that need to be addressed in the future and propose a way forward so that survivors’ right to reparations can be fully and equitably realized no matter where they may live.

The following key takeaways encompass the feedback and input of survivors living both inside and outside Iraq. They constitute a

living document, through which FGO aims to contribute to ongoing information exchange in order to make the YSL application process accessible to all survivors.

For Survivors Inside Iraq:

- The online application procedure under the YSL is working well, though survivors need both technical and psychosocial support to fill out the application and acquire supporting documents. FGO shares our procedures and insights in Chapters 3 and 4.
- Apart from gender- and age-sensitive support throughout application process, tailored support is needed for minors, survivors with disabilities, and limited (digital) literacy. FGO shares insights into tailored procedures in Chapter 3 and 4.
- Challenges include accessing the court documents prerequisite for approval of applications. The IDSA as well as relevant civil society stakeholders are aware of related barriers to reparations for survivors and discussing solutions.

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<sup>1</sup> Feedback by a survivor who participated in one of FGO first information sessions in September 2022.

### For Survivors Outside Iraq:

- The IDSA has worked diligently with civil society to remove technical barriers and ensure that online applications may be submitted from outside Iraq starting in Winter 2023. Technical and psychosocial protocols have been adapted to the needs of survivors living outside Iraq. FGO shares insights into tailored procedures in Chapter 3 and 4.
- FGO and our partners are currently building new structures and referral mechanisms to support survivor applications, though not all challenges may be apparent yet. This guidance contributes to this endeavour and will be updated according to new insights. FGO shares insights into tailored procedures in Chapter 3 and 4.
- Travel time and costs to participate in legal and administrative procedures in Iraq as well as survivors' residence status in their host countries are prohibitive. Unless appropriate measures are taken, this creates a hierarchy in which survivors outside Iraq have less access to their rights, especially if they live in relatively distant countries such as Australia.
- This particularly includes access to court documents and other identity documents, which is especially challenging for survivors outside Iraq. Survivors included in Special Quota Programs (SQPs) may face particular challenges in applying for reparations on

behalf of minors, as survivor children's male guardians have often remained in Iraq. Chapter 3 proposes alternative evidentiary means based on transnational cooperation.

- The legal implications of receiving reparations remains unclear regarding the impact on tax and social services. This has a chilling effect on survivors' exercise of the right to seek reparations. FGO shares insights into tailored procedures in Chapter 3 and 4.

### Survivors of CRSV More Broadly:

- The YSL is a historic first recognition of the right to reparations for survivors of CRSV.
- The implementation of reparations programs must be informed by survivor needs and perspectives. Survivor-centric and -led Standard Operating Procedures (SOPs) must be developed in an inclusive and psychosocially-informed manner that is tailored to the various needs of survivors.
- Survivor-led feedback mechanisms are critical to the success of reparations implementation. Survivor-led Organizations (SLOs), Civil Society Networks (CSNs), and governmental stakeholders must work together to ensure that survivor voices are heard.

## 1. Supporting Survivors in Accessing Reparations under the YSL

The Yazidi Survivors Law (YSL) was enacted by the Iraqi parliament in 2021 to provide access to reparations for survivors<sup>2</sup> of the Yazidi genocide – known as فرمان (farman) in Kurdish-Kurmanji<sup>3</sup> – and conflict-related sexual violence (CRSV).

This document is intended as a resource for policymakers, case workers, and other stakeholders who seek to facilitate survivor access to reparations under the YSL. It shares information and guidance about how Farida Global Organization (FGO) contributes to the law's implementation in close collaboration with the Iraqi General Directorate for Survivors Affairs (IDSA) and with the support of the European Endowment for Democracy (EED), and the State Ministry of Baden-Württemberg (SMBW). It furthermore provides concrete suggestions for how stakeholders can improve systems and procedures in order to empower survivors and their families, and to ensure their wellbeing.

What follows is based on experiences gained by FGO in Iraq, including and in addition to the experiences of survivors on our team and in our community. We also consider the perspectives and needs of survivors living outside Iraq, though the application process for survivors living abroad has yet to officially open at time of writing.

### FGO's Approach and Perspectives

FGO is a global non-profit (NPO) and non-governmental organization (NGO) founded and led by survivors of the Yazidi genocide (فرمان) and CRSV, who have advocated for survivors' protection and rights since their escape from captivity at the hands of the Islamic State in Iraq and Syria (ISIS). Focusing on redress for survivors of CRSV from all communities and genocide globally, FGO aims to give voice and support to survivors and their communities, in a manner that is:

- (1) **survivor-centric and survivor-led**, which means that we believe that all benefits of our work should go to survivors and all our

<sup>2</sup> "Survivor" is a self-chosen name. Contextualized in human rights-based and community-centric approaches, the term aims to respectfully address women who survived Islamic State in Iraq and Syria (ISIS) captivity, pay tribute to their strength and dedication, as well as their important role within the community. Hence, the word is not only relevant in the context of FGO's work but amongst many survivors of the Yazidi Genocide, though other terminology is of course respected. For these and language reasons, this guidance mainly refers to survivors though all persons eligible under the YSL are addressed under this guidance.

<sup>3</sup> The Kurdish-Kurmanji word فرمان (farman) thoroughly reflects this experience of extermination: of genocide. After 74 genocides inflicted on Yazidis, the term فرمان (farman) is recursive in Yazidi folklore and history, and it is how Yazidi survivors and the community know and understand their experience of genocide at the hands of ISIS. Hence, FGO uses the term فرمان whenever we speak about the Yazidi experience. Whenever we refer to genocide as a general concept, we will use the latter.

programming should be oriented towards and tailored to their needs. We acknowledge that survivors are experts on their own needs and, hence, survivors' knowledge and experience inform all our programming. Thus, from our perspective, all decision-making power should lie with survivors.<sup>4</sup>

- (2) **participatory**, which means that in all our programming and decision-making, we aim to involve as many survivors as possible and actively consult survivors.
- (3) **psychosocially- and trauma-informed**, which means that mental health and trauma are key factors and directives that inform all our programming and decision-making.
- (4) **culturally sensitive**, which means that we recognize diversity and draw strength from it. Thus, respect for diversity is a key guideline for all our programming.
- (5) **rights-based**, which means that all our programming directly relates to and contributes to the fulfilment of survivors' rights. Hence, we acknowledge that we do not act out of a sense of charity but rather because survivors' rights must be realized.
- (6) **gender-sensitive**, which means that we acknowledge the needs and vulnerabilities related to a survivor's gender as a key factor that informs all our programming.
- (7) **evidence-based**, which means that we recognize that our perspectives are limited

to our own experiences and that further perspectives are needed to truly understand survivors' needs and wishes. Hence, we aim to base all our programming and decision-making on the pertinent evidence, including research and data collection.

- (8) **transnational**, which means that we recognize that different services, knowledge(s), and information may be available depending on location. To best use synergies amongst our team members who work from different locations globally and the services, knowledge(s), and information available, FGO commits to a way of working that crosses borders through global exchange and virtual means of communication, including for services and support provided to survivors. This specifically does not just refer to knowledge(s) and information coming from the Global North but refers to the dedication of FGO to overcome global patterns of epistemic injustice and silences by mutual knowledge and information sharing.

Considering the above, FGO programming focuses on advocacy and community events, including commemoration events on the Yazidi genocide (فرمان). For instance, our traveling exhibition "The Women Who Beat ISIS" aims to raise awareness of the ongoing genocide (فرمان) by showing the testimonies of survivors. Furthermore, our emergency response programs in Iraq aim at supporting

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<sup>4</sup> FGO aims to reflect the experiences of survivors from all communities: Yazidis, Shabak, Turkmen, and Christian. Nevertheless, we are aware there may be limitations in our perspectives and invite survivors from all communities to contribute their knowledge and experiences to this guidance.

survivors in accessing basic supplies and financial support. In the context of the YSL, FGO supports survivor applications through information sharing and counselling complementary to and in close cooperation with the IDSA. Furthermore, FGO supports survivors in obtaining relevant documentation relevant to the application process. In all of FGO's programming, empowerment is a major concern, since FGO aims for all survivors to be in a position to speak for themselves. FGO's purpose is to remain the advocate only of those who cannot (yet) raise their voices.

#### Purpose and Structure of This Guidance

In light of the subject of this guidance, FGO believes empowerment to be best achieved through systematic access to information and counselling, including technical advice on the application process, filling out the application, and psychosocial support that may be needed in the context of the application process. In the past year, survivors and members of FGO have discussed related questions and challenges in an ongoing self-initiated survivor-led process that also includes diverse contributions of survivors and supporters outside FGO as well as the IDSA. This ongoing process aims to understand and evaluate good practices of information sharing and counselling on the YSL and the related application process for survivors and their families and to circulate key results to relevant stakeholders. Hence, this guidance is intended as a living document that will be

extended and adapted according to survivors' feedback, new insights, and lessons learned. It is to be understood as an invitation, particularly to other survivors, their families, and communities, to share their knowledge and experiences, claims, and (good) practices. This holds true not only for survivors living in Iraq but particularly for survivors living abroad. Through this guidance, FGO aims to contribute to a process that initiates a thorough discussion about good practices for supporting applications under the YSL from a survivor-centric, participatory, culturally sensitive, and psychosocially-informed perspective.

In the context of this process, this guidance proceeds in four parts: **Chapter 2** contextualizes the YSL as a unique process for providing reparations to survivors of CRSV, the related application process, and FGO's role therein. Thereafter, **Chapter 3** gives technical guidance for providing support during the YSL application process. This is followed by **Chapter 4**, which outlines good practices regarding psychosocial support mechanisms needed in the context of the application process. The guidance in Chapters 3 and 4 is based on FGO's experience facilitating the application process with survivors, their families, and communities in Iraq as well as survivors' feedback given in our survivor-led evaluation process. Special focus is on the situation of survivors living outside Iraq, particularly in Germany. **Chapter 5** concludes by summarizing key takeaways and gives an outlook on FGO's future programming.

## 2. Reparations under the YSL in Iraq and Beyond

Almost nine years ago, ISIS attacked the Yazidi community and other minority groups such as Christians, Shabak, and Turkmen in Northern Iraq. Both on an individual and on a community level, the most severe human rights abuses such as torture, murder, enslavement, and CRSV were inflicted on the victims depending on their gender and age.<sup>5</sup> The United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD, 2021), the United Nations Human Rights Council (UNHRC, 2016), the Government of Iraq (GoI, 2021), and the Government of Germany (GoG, 2023) acknowledge what happened to the Yazidi community as genocide, Yazidis themselves understand the genocide to be an ongoing فرمان (*farman*). This is particularly true given the fact that more than 2,500 Yazidis remain missing, i.e., potentially still being held in captivity by ISIS or presumed dead.<sup>6</sup>

The consequences of these severe human rights violations remain a reality in the lives

of many Yazidis, Christians, Shabak, and Turkmen. Survivors of CRSV from all communities still live with the devastating consequences of the physical and mental harm inflicted upon them. These consequences range from educational, financial, and economic challenges to physical and mental health problems such as Female Genital Mutilation (FGM) Type 4, depression, and complex post-traumatic stress (PTSD). Meanwhile, survivors face new and ongoing challenges as a result of their displacement within Iraq or their lives as refugee survivors outside Iraq.<sup>7</sup>

### Understanding Survivors' Needs

For survivors living inside Iraq, insufficient access to housing, work, education, and security continues to impact their mental and physical wellbeing. Many survivors are internally displaced (IDP) within Iraq. Along with other IDPs, they continue to experience inadequate access to food, shelter, medical services, etc.<sup>8</sup> Yazidis face particular socio-

<sup>5</sup> UNITAD (2021): Special Adviser Khan Briefs Security Council on UNITAD Investigations, (online: <https://www.unitad.un.org/news/special-adviser-khan-briefs-security-council-unitad-investigations>, accessed 07.12.2022).

<sup>6</sup> Ibid./ UNHRC (2016): "They came to destroy": ISIS Crimes Against the Yazidis (A/HRC/32/CRP.2), (online: <https://reliefweb.int/report/syrian-arab-republic/they-came-destroy-isis-crimes-against-yazidis-human-rights-council>, accessed 07.12.2022); see also: GoI (2021): YSL (see Annex I).

<sup>7</sup> International Organization for Migration (IOM, 2021): Yazidi Survivors in Germany and Iraq's Reparation Programme: "I want for us to have a share in Iraq, (online: <https://iraq.iom.int/resources/yazidi-survivors-germany-and-iraqs-reparation-programme-i-want-us-have-share-iraq>, accessed 15.01.2023).

<sup>8</sup> United Nations Human Rights Office of the High Commissioner (UN OHCHR, 2021): Iraq 2021 Humanitarian Needs Overview, (online: [https://www.humanitarianresponse.info/en/operations/iraq/document/iraq-2021-humanitarian-needs-overview-february-2021-en?\\_gl=1\\*31lqt9\\*\\_ga\\*MjM2NzYyMzQ3LjE2NzA0MDgwNTE.\\*](https://www.humanitarianresponse.info/en/operations/iraq/document/iraq-2021-humanitarian-needs-overview-february-2021-en?_gl=1*31lqt9*_ga*MjM2NzYyMzQ3LjE2NzA0MDgwNTE.*)



economic challenges, which is in large part due to lower rates of education and employment resulting from limited access, among other factors.<sup>9</sup>

A 2021 study of over one thousand Yazidis living in Northern Iraq found that 69% of respondents displayed a level of distress predictive of PTSD. This level was significantly higher for those living in an IDP camp.<sup>10</sup> In 2019, the United Nations High Commissioner for Refugees (UNHCR) reported an alarming number of (attempted and completed) suicides among Yazidis living in camp- and non-camp settings, citing other destructive behaviour observed by implementing partners.<sup>11</sup> These psychosocial challenges do not only affect survivors of CRSV. For example, young men who forcibly underwent military training continue to grapple with its effects. Hence, survivors and their communities are in urgent need of care and support beyond what is currently available to them, not only to fulfil their human rights to life, health, and dignity, but to redress the harms caused to them as a result of the فرمان (*farman*).

The dire situation in Iraq has led many survivors to seek international protection. For example, the Special Quota Programs

(SQPs) in Germany granted more than 1,250 survivors protection in the German Federal States of Baden-Württemberg (BW), Brandenburg, Niedersachsen, Berlin, and Schleswig-Holstein, amongst others. Furthermore, countries such as Canada, France, Australia, and the United States granted survivors protection.

#### Development of the YSL Reparation Scheme

In light of the past and ongoing violations of their human rights, survivors demanded reparations from the GoI, which failed to protect them when ISIS attacked in 2014. In response, the YSL was announced in April 2019 by Iraqi President Barham Salih. In the course of the bill's three readings before the Iraqi parliament, it underwent several key changes in response to feedback from civil society and, most importantly, from survivors. For example, Farida Khalaf, President of FGO, advocated in December 2020 in the framework of YSL Community and Survivor Consultations for the bill to include acknowledgement that the crimes committed against the Yazidis were in fact a genocide. This demand was reflected in

[ga\\_E60ZNX2F68\\*MTY3MDUyMzIxMi4zLjAuMTY3MDUyMzIxMi42MC4wLjA](#), accessed 08.12.2022), 35-40.

<sup>9</sup> IOM (2019): Understanding the Ethno-Religious Groups in Iraq: Displacement and Return, (online: <https://publications.iom.int/books/understanding-ethnoreligious-groups-iraq-displacement-and-return-february-2019>, accessed 08.12.2022).

<sup>10</sup> Pham, P.N./ Fozouni, L./ al-Saiedi, A./ *et al.* (2021): Association between distress and displacement settings: a cross-sectional survey among displaced Yazidis in northern Iraq, BMC Public Health 21, 679.

<sup>11</sup> United Nations High Commissioner for Refugees (UNHCR, 2019): COI Note on the Situation of Yazidi IDPs in the Kurdistan Region of Iraq, (online: <https://www.refworld.org/docid/5cd156657.html>, accessed 08.12.2022)

Article 7 of the final version of the YSL, which was passed on March 8<sup>th</sup>, 2021.<sup>12</sup>

The enacted law provides a comprehensive framework of reparations to survivors of CRSV and of other crimes committed by ISIS that fall under the law. It hence is a major step forward in redressing the harm inflicted on Yazidi, Christian, Shabak, and Turkmen survivors and captures many of the key demands of survivors in the five forms of reparations laid out in the United Nations (UN) Basic Principles: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.<sup>13</sup> These principles have been reflected in survivors' demands to the GoI.<sup>14</sup>

The accessibility and availability of (applications for) reparations under the YSL is in line with international law and the

Pinheiro Principles on Housing and Restitution for Refugees and Displaced Persons, which require states to ensure that refugees are able to access respective processes no matter their place of residence.<sup>15</sup>

This law is unique not only for Iraq but can be considered a landmark bill on a global scale, as it initiates a reparations program directed at survivors of CRSV and women specifically. Hence, the guidance given by FGO in this document reflects the ambition of the YSL's vision and aims to contribute to the success of its implementation.

#### Rights of Survivors Under the YSL

The YSL<sup>16</sup> starts with a definition of *survivor*, which is grammatically feminine in Arabic to reflect the specifically gendered nature of the crimes committed by ISIS against Yazidis,

<sup>12</sup> Farida Khalaf (2020): Remarks at the YSL Community Consultation in December 2020, quoted in FGO (2021): The Yazidi Women Survivors Law in the Iraqi Parliament, (online: <https://faridaglobal.org/blog/2021/02/06/the-yazidi-women-survivors-law-in-the-iraqi-parliament/>, accessed: 15.01.2023).

<sup>13</sup> UN General Assembly (UNGA, 2005): Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly Resolution 60/147), (online: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>, accessed 08.12.2022).

<sup>14</sup> Farida Khalaf (2020): Remarks at the YSL Community Consultation in December 2020, quoted in IOM (2021): Yazidi Survivors in Germany and Iraq's Reparations Program: "I Want for Us to Have a Share in Iraq", (online: <https://iraq.iom.int/resources/yazidi-survivors-germany-and-iraqs-reparation-programme-i-want-us-have-share-iraq>, accessed 15.01.2022), 14-20.

<sup>15</sup> IOM (2021): Yazidi Survivors in Germany and Iraq's Reparations Program: "I Want for Us to Have a Share in Iraq", (online: <https://iraq.iom.int/resources/yazidi-survivors-germany-and-iraqs-reparation-programme-i-want-us-have-share-iraq>, accessed 15.01.2022), 21; United Nations Sub-Commission on the Promotion and Protection of Human Rights (2005): "Principles on housing and property restitution for refugees and displaced persons (the Pinheiro Principles", (online: <https://www.unhcr.org/protection/uidps/50f94d849/principles-housing-property-restitution-refugees-displaced-persons-pinheiro.html>, accessed 26.01.2023).

<sup>16</sup> With the kind approval of the IDSA, the original version of the YSL is annexed to this report (Arabic Original in Annex I). Furthermore, full translations of the law are provided in English, German, and French (English Translation in Annex II, German Translation in Annex III, French Translation in Annex IV). FGO's translations of the law do not lead to any legal claims against FGO and shall incur no legal liability by FGO but are meant for information purposes only. Please find further information on the translations and on the translation processes in the Annexes.

Turkmen, Shabak, and Christians (Article 1 of the YSL). It furthermore defines other categories of persons covered by the law, including children and survivors of mass killings, in Article 2. The bill goes on in Article 3 to establish the IDSA and instructs it to proceed with designing and implementing a process for submitting applications and reviewing them in order to distribute the benefits entitled to those covered by the YSL.

Following the UN Basic Principles, the YSL aims at financial and mental compensation, the rehabilitation and re-integration of survivors as well as giving guarantees of non-repetition (Article 4). Activities aimed at achieving these objectives include information gathering and processing, the provision of different support measures to survivors, including a monthly salary and a plot of land or free housing (Article 6), and the related coordination the GoI and with non-governmental as well as international stakeholders to ensure the full implementation of the law, including in the fields of healthcare, education, and employment (Article 5 (2-6)). It is further indicated that these activities must include providing services to survivors outside Iraq, for example in Article 5 (6) on the opening of clinics. Furthermore, activities foreseen under the law address reparation measures that are particularly important for the healing and mental health of survivors, including the search for missing persons and the dignified burial of the returned remains by the families of those killed (Article 5

(7,8)). The law moreover includes articles about the prosecution and punishment of perpetrators (Article 7, 9). Additionally, the law acknowledges that the crimes committed against Yazidis were genocide and tasks the GoI with remembrance and awareness activities in domestic and international settings, including making August 3<sup>rd</sup> of each year a national day to acknowledge the crimes committed and measures in support of the building of commemoration sites (Article 8). In Article 10, a Committee is formed to review applications for reparations under the law. Among other specifications regarding the membership and responsibilities of this Committee, it is made clear in Article 10(4) that (applications for) reparations under the law are to be available and accessible not only to survivors inside Iraq but also for those who live outside Iraq.

#### FGO's Role in the Implementation of the YSL

In September 2022, the IDSA has begun accepting applications from survivors and others living in Iraq, in order to establish their right to reparation under the YSL. Appointed by the IDSA, particularly survivor-led organizations (SLO) as well as other civil society organizations (CSOs) and networks (CSNs), especially those led by survivors' communities, have supported the implementation of the application process through information sharing, counselling, and the facilitation of access to documentation and evidence, as well as mental health and psychosocial support

(MHPSS) needed to enable survivors filling out the applications. This includes close cooperation with the IDSA, e.g., reporting back barriers and challenges survivors face throughout the application process.

The campaign supporting survivors in the application process is led by survivors' self-organizations and participation. In this framework, FGO focuses on supporting survivors in the Duhok governorate, where FGO has an office space and a mobile team. Trained on the application procedure and formalities of this process by the IDSA, FGO developed its own technical and psychosocial SOPs to inform and guide all staff so that they can best support survivors throughout the application process. All FGO activities and SOPs are informed by our organization's key approaches outlined in Chapter 1, and particularly by low-threshold, survivor-centric and -led, trauma-informed, participatory, culturally sensitive, gender-based, age-sensitive, rights-based, evidence-based, and transnational mechanisms. Through the kind support of EED and in close cooperation with the IDSA, FGO informed and counselled more than 650 survivors in Iraq through in person, phone, and virtual counselling mechanisms on the YSL and its application process (as of December 2022 – this information is compiled quarterly). As a

result, FGO supported more than 90 full applications of survivors under the YSL, which were submitted to the IDSA through the online application tool (as of December 2022).

Based on these vast experiences gathered so far by survivors and case workers in the FGO team and community in Iraq, it is thus possible to take stock of the current status of the implementation of the YSL in light of good practices, lessons learned, and the ongoing challenges survivors face. Hence, FGO has developed these technical and psychosocial guidelines for how survivor applications can be supported. We also highlight obstacles that need to be addressed in the future, particularly regarding survivors living outside of Iraq, and propose a way forward so that survivors' right to reparations can be fully and equitably realized.

The following key takeaways can be of use when supporting applications under the YSL from inside and outside the territory of Iraq, including the distribution of benefits to refugee survivors and survivors who live outside Iraq as part of SQPs by different German Federal States such as the Federal State of BW, and implementation of reparations for survivors of CRSV more broadly.

3. Technical Guidance on Survivor Application under the YSL

The purposes of this chapter are to explain the process of applying for reparations under the YSL and to offer guidance for case workers, family members, and others providing assistance to survivors. This technical guidance was developed by FGO based on the experience of supporting survivors with completing and submitting their applications. Our SOPs (summarized in Figure 1) are the result of an inclusive and consultative process in which survivors have been leaders, participants, and contributors. They are therefore tailored to the needs and

preferences of survivors, accounting for variation between individuals.

As of February 2023, the protocol had only been implemented in Iraq, since the application portal had not yet been accessible outside the country despite sincere efforts by the IDSA to provide access to survivors living abroad. Nevertheless, as the application portal will open for survivors worldwide after February 2023, sincere considerations regarding the specific needs of survivors living outside Iraq are already being considered, including through

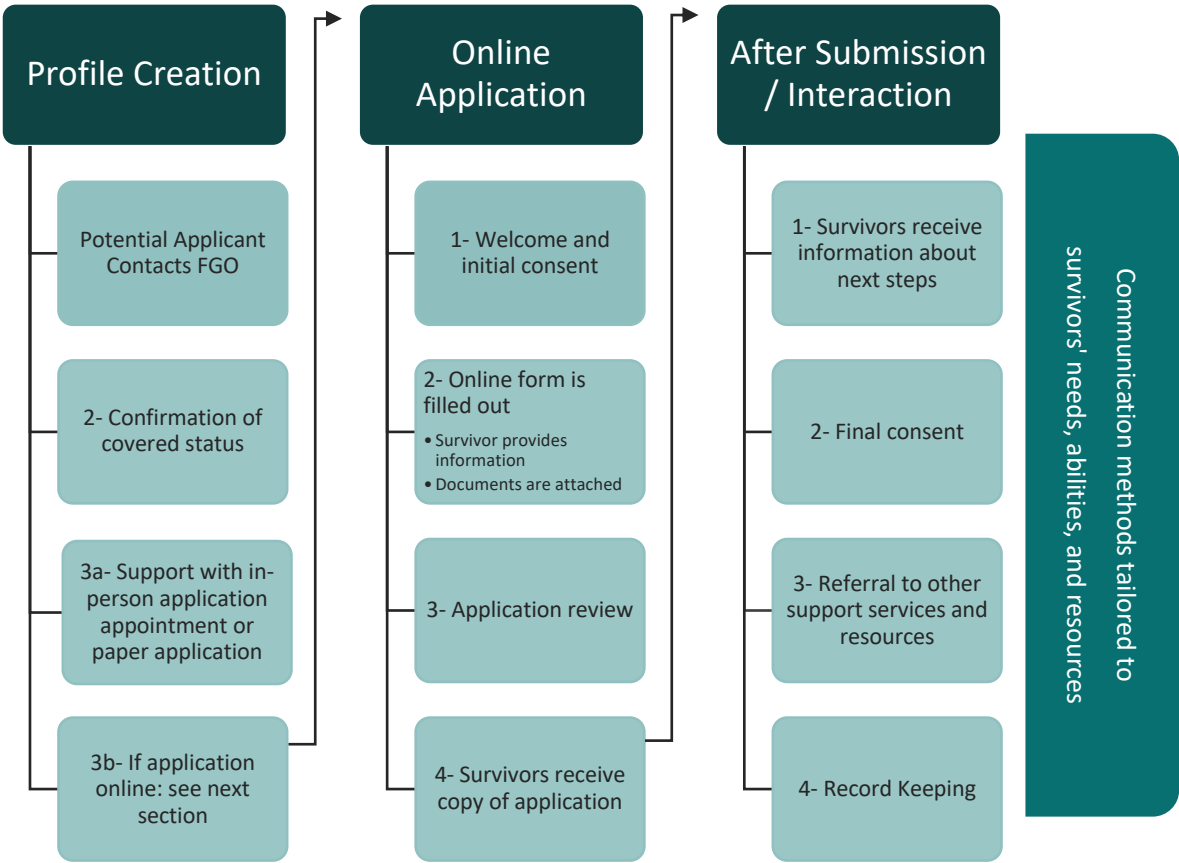


Figure 1: FGO SOPs for YSL Applicant Support Process

consultations with survivors outside Iraq. An updated version of this guidance will be published as soon as the approaches have been piloted outside Iraq and sufficient experience has been gained by FGO.

There are three methods for submitting applications under the YSL: through an appointment with the IDSA, through online submission, and through manual/paper submission. Prerequisite to all three methods is the creation of an online profile via Ur Portal, the online tool used by the GoI to collect and process applications for a variety of purposes. FGO supports survivors throughout the application process, combining technical and psychosocial expertise to facilitate their access to reparations. Meanwhile, we are pleased to engage in an ongoing exchange of information and experience with the IDSA to further improve the reparations program's accessibility for survivors. An exchange of experiences and information on the civil society level is furthermore facilitated in the framework of the Coalition for Just Reparations (C4JR).

This chapter details the technical aspects of our application support work in three parts. First, it explains the process for initiating the application process, including online profile creation via Ur Portal. Next, it provides a general overview of the online application process, in hopes that this will be a useful resource for civil society actors who intend to join FGO in supporting survivor applications. In the final part, we highlight

feedback mechanisms with the IDSA on technical challenges that survivors living inside and outside Iraq currently face during the application process. In light of the age- and gender-specific approach taken by FGO, this also includes challenges survivors face because of their ages and genders. This last section furthermore offers recommendations and solutions for governmental stakeholders and CSOs both inside and outside Iraq, with a particular focus on Germany. It also highlights the ongoing, collaborative efforts of FGO and other civil society actors alongside the IDSA to remove barriers that inhibit survivors' access to their rights under the YSL.

#### Initiating the YSL Application Process

Before setting out to complete any of the three application methods, survivors must make a profile in the online application portal. FGO provides assistance with this step via telephone, via instant messaging services (IMS) such as WhatsApp, and in person. This process has been carefully considered for two reasons; first, because survivors have various levels of access to technology and technological literacy, making it important that they be able to reach FGO in a way that is comfortable for them. Furthermore, the legal nature of the application requires that the online profile be filled out according to precise specifications, which can present a barrier for survivors (see Chapter 4).



## INFOBOX – Information Sessions

Though not part of the FGO counselling SOP outlined in Chapter 3, information sessions play a crucial role in FGO's approach to outreach to, empowerment of, and low-threshold access for survivors. The sessions are facilitated by FGO in close cooperation with the IDSA and IOM, and address Yazidi, Christian, Shabak, and Turkmen survivors of CRSV and other crimes under the YSL.

Information sessions are not only important to impart survivors with the knowledge that enables them to apply for reparations under the YSL, but to build rapport and trust with survivors. Both are of particular importance in Iraq but especially outside Iraq, as accessing documentation and identification is often difficult; and survivors need to know which documents they need from what entity to access reparations under the YSL (see Chapter 3, Section 4). Building trust is crucial, as many survivors who live outside Iraq have lost trust in Iraqi governmental institutions.

Furthermore, information sessions serve as both outreach- and feedback mechanisms, as they seek to reach communities and individuals who have formerly been left without adequate and/or low-threshold information and to understand barriers to information and counselling. For this purpose, FGO distributes information and raises awareness about the sessions by building on the existing networks amongst survivors. To further expand and complement these networks and to be as inclusive as possible, there are announcements throughout social media and local CSO partners.

The portal is only available in Arabic, as this is the language understood by those processing the application. However, the FGO team communicates with the survivor in her or his native language, which for most survivors of the Yazidi community is Kurdish-Kurmanji. Furthermore, all staff supporting survivors in filling out the applications have professional language skills in Arabic. In case needed, website translation (such as Google website direct translation function) can be sought, though this is not recommended as the specific terminology is key for filling out the application. Nevertheless, especially for non-Iraqi-based NGOs supporting survivors who live outside Iraq, it may be a useful tool

to better understand both the application form and the process.

Before proceeding, FGO confirms with the potential applicant that they are, in fact, a member of one of the categories entitled to apply for reparations. Article 2 of the YSL states that those covered by the law include every woman or girl captured by ISIS on August 3<sup>rd</sup>, 2014, or after, individuals regardless of gender who were captured by ISIS on or after that date who were minors at the time, and persons who escaped from a mass killing or massacre.<sup>17</sup> This conversation is conducted in a psychosocially informed manner (see Chapter 4).

<sup>17</sup> Please find further information on the YSL in the Annex: Arabic Original (Annex 1), English Translation (Annex 2), German Translation (Annex 3), French Translation (Annex 4).

To initiate the application process, survivors must log in to Ur Portal. In order to create an account, applicants must enter a unique, functioning phone number to which they have immediate access. This is used to receive a verification code every time they access the portal. For data protection reasons, FGO recommends that this be the survivors' personal phone number. Until February 2023, verification codes could only be sent to Iraqi phone numbers. A testing phase for international phone numbers began in February 2023. Once the piloting phase is finalized, the application portal will be accessible for survivors living outside of Iraq, and phone numbers from countries worldwide will be usable.

Once the phone number has been entered and the verification code has been received via SMS, it must be entered within 150 seconds to complete the log in process.<sup>18</sup> While this is necessary to verify and protect the survivor's identity and data, FGO has experienced challenges, as the message is not always received within the proper time period, or else because the survivor is not able to tell the FGO team member assisting them the number in time due to a weak connection. FGO aims to mitigate these and all other barrier through transparent communication that there may be technical challenges that FGO will overcome together with survivors (please see Chapter 4) – and if needed by contacting the IDSA – and

through offering different types of assistance, e.g., in person, via IMS, and phone.

After logging in for the first time, survivors must create a profile in the Ur Portal. This includes providing personal and contact information, identity documents, current and previous addresses, and information about the time and place of their abduction and liberation. The personal information must be as accurate as possible, and it must match the identity documents and letters of confirmation received by agencies such as the Genocide Office, CSOs, courts, and churches. The profile creation also requires information about where the survivor currently lives. As of February 2023, it was only possible to indicate a residence in Iraq. Although the testing period for international applications began in February 2023, this section had not yet been adjusted to allow residence outside Iraq to be indicated.

As part of the application support services provided by FGO, our team fills out the online profile creation form together with survivors based on the information and documents provided by the survivor in one-on-one in-person consultations. In rare cases, FGO enters a dedicated FGO e-mail address and/or phone number as additional ways to contact the survivor, if they agree, so that we can support them throughout the application process. This accounts for cases in which applicants have no e-mail account

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<sup>18</sup> Until January 2023, the had to be entered within 60 seconds to complete the log in process. Based on FGO and other CSOs recommendations to the IDSA, the period had been extended to 150 seconds.



or second phone number (e.g., of a family member). Some survivors do not have an e-mail address of their own due to limited digital literacy.

It is important to note that once a profile is created, it cannot be edited, adding weight to this first step of the process. If the profile contains an error, a new account with a new unique phone number would have to be created, and all information would need to be re-entered correctly.

Once the profile is created, survivors may decide which of the three application methods provided by the IDSA they would like to follow: an in-person appointment with the IDSA, online submission, or manual/paper submission. Depending on which method the survivor chooses, FGO can support them through the subsequent steps.

If the survivor wishes to schedule an appointment for an in-person application with the IDSA, a calendar tool appears as soon as this is indicated in the Ur Portal. FGO can then assist them through the online appointment booking process. The time and location of the appointment are determined in consultation with the applicant. As of February 2023, appointments are available at IDSA offices in Mosul and in Sinjar. The in-person interview submission method is not accessible for many applicants, as survivors may not have the financial or transportation means to travel to IDSA offices. Finally, an interview code is automatically generated and shared with the survivor. After the appointment with the IDSA is booked, FGO

follows up with the applicant to confirm the details, and to inform them about which documents are necessary to bring to the appointment. This information is provided both in writing and explained verbally, so that survivors may express any uncertainty and receive answers to their questions.

If the applicant wishes to submit the application manually, a link is generated that allows the applicant (with support from FGO) to download the electronic form as a PDF file. This can then be printed and filled out by hand in a manner similar to the online version. It thus mirrors the procedure explained in the following section (see Figure 2). Once the form is fully and accurately filled out, paper copies of the supporting documents must be attached. The applicant must then submit the physical application to one of the IDSA offices in person.

If the applicant wishes to use the online application platform with FGO's support, an appointment with FGO is arranged. The need to arrange an appointment previously is particularly due to the fact that such appointments take approximately two hours per applicant, and FGO wants to ensure that survivors have all the time and support they need from FGO staff. Here, too, survivors are informed in advance as to the documents they must bring when filling out the application both in writing and verbally. The next section of this guidance explains FGO's approach to this appointment and shares our insights into the online application form.

### YSL Online Application Support Process

For the purpose of supporting survivors in filling out the YSL online application form, FGO offers appointments at our offices and/or with our mobile team, who visit survivors' homes or meets them in trusted spaces where survivors feel safe. When survivors arrive for their appointment at FGO's offices, they are welcomed into the room in which the application will be filled out. An FGO staff member provides thorough information on the SOP and obtains survivors consent before continuing. Together, an FGO team member and the survivor fill out the online application, as shown in Figure 2. Although some sections are optional, it is recommended that survivors fill them out to the greatest extent

possible. The most important sections are the third and the fourth. Nevertheless, the wellbeing of survivors is considered at all times (see Chapter 4).

Before beginning, applicants must register (please see Section 1 of this Chapter) or log in using their profile on the online portal. Before the application form appears, a short explanation text on the YSL and the application process is shown, explaining the formalities of the YSL online application process. Since this is important to understand, FGO guides survivors through the text and provides additional information if needed.

In the **first section** of the application form, part A, survivors provide identification information and documents. Multiple forms

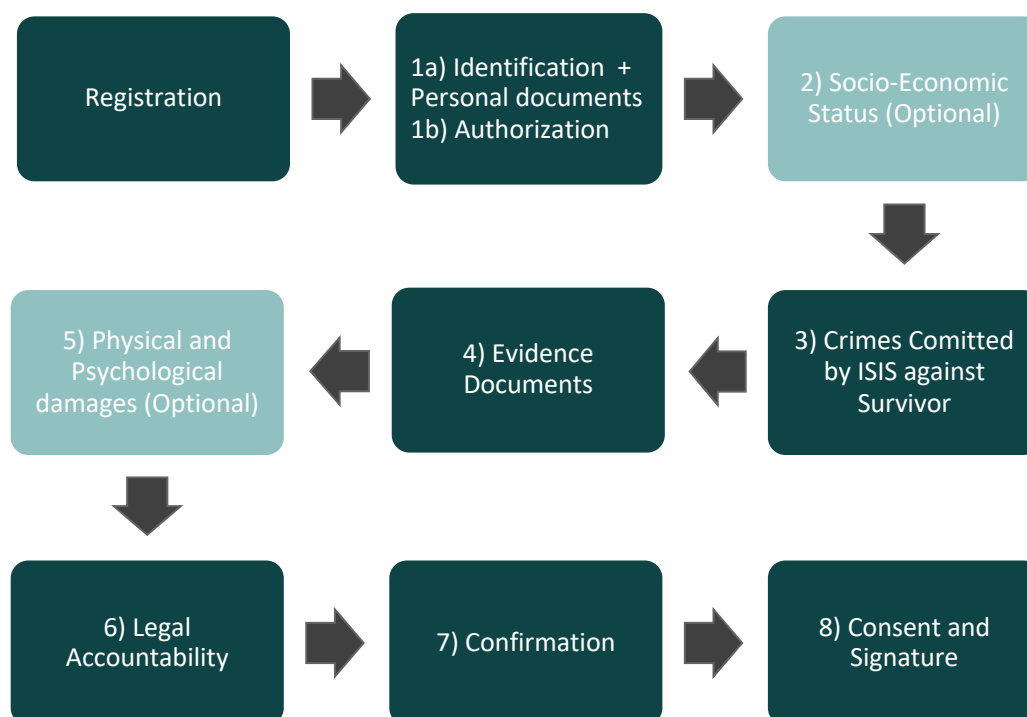


Figure 2: Overview of the Online Application Sections

of Iraqi government identification must be submitted in the proper format. A recent photo of the applicant must also be uploaded according to precise specifications; FGO will take the picture for the survivor with their consent to ensure that it is the correct format. If the applicant is a minor, authorization and identification of the parents or guardians, including a photo, is provided in part A of this section as well. Phone number, address, identification numbers, and other details relating to the father, mother, guardians also are required. In part B of the first section, the FGO team member provides information about themselves and indicates that they are filling out the form on behalf of the survivors.

In the **second section**, survivors may provide information about their social and economic situation if they wish to do so. In the **third section**, which is of critical importance, survivors provide information about the crimes committed against them by ISIS. This may include information about their kidnapping, place(s) of captivity, and other crimes such as CRSV. If a survivor has already given testimony about their experience, this should be referenced. This section also offers space for survivors to give information about family members who are still missing.

The **fourth section** is as important as the third. Here, official documentation is attached, providing critical evidence for the survivor's account in the third section. This

may include, if available, court papers, eyewitness statements, documents issued by ISIS that demonstrate enslavement or forced marriage, confirmation letters from the Office of Abductees in Duhok, confirmation letters from the Commission for Investigation & Gathering Evidence in Duhok, photos, videos or articles documenting the kidnapping or liberation, as well as letters and testimonies collected by NGOs that support the survivor's account. Filling out this section can be time-consuming since documents must be scanned, uploaded, and named in the proper format, a process throughout which FGO offers support. Furthermore, survivors face significant challenges in assembling the required documentation, as the final part of this chapter explains.

In the **fifth section**, survivors may choose to give additional details about the physical and psychological impacts of the crimes committed against them. They are able to explain the ongoing struggles they face and the lasting harms of their captivity and subjection to human rights violations. This information is collected because the IDSA is tasked with providing care to survivors and those covered by the law and coordinating with other actors to support them under the YSL, Article 5(2) and Article 5(3).<sup>19</sup>

The **sixth section** is also optional. Here, the survivor can provide identifying information about ISIS members that can be used in

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<sup>19</sup> Please find further information on the YSL in the Annex: Arabic Original (Annex 1), English Translation (Annex 2), German Translation (Annex 3), French Translation (Annex 4).

future investigations. Under the YSL Article 5(9) and Article 7(3),<sup>20</sup> the GoI is obligated to hold ISIS members legally accountable for crimes committed against survivors. Here, survivors may indicate if they would like to be involved in future investigations pursuant to the information they provide.

The **seventh section** is a necessary formality for submitting the application: here, the survivors may view all information entered in the previous sections and confirm that the evidence documents are properly attached. Usually, FGO prints this section and gives it to the survivor so that they can go through it themselves, if wanted supported or read out by an FGO staff member. Any necessary changes or additions are made with the support of FGO.

As soon as the review of the application form and all supporting documents by survivors is finalized and changes have been made accordingly, the survivor confirms in the **in the eighth and final section** that the information is correct and signs the form. It is worth noting that if required materials or information are missing, the portal will not allow the application to be submitted.

Once the above sections have been completed and the required documents duly attached, FGO ensures that survivors have a copy of all records. Once the application has been submitted online, an application code is generated, which is given to survivors so that they can check the application progress

themselves at any time, as the portal provides information on the status of the application.

After the application is submitted, FGO provides survivors with information about the next steps of the process, which are as follows; once the application is received by the secretary of the IDSA, they review it for completeness and reach out to the applicant via the phone number provided if necessary. Once the application is complete, or upon submission, the IDSA has 90 days to reject or accept it. This information is provided in writing by the portal before the application is submitted, but an FGO staff member also prints and discusses it with the survivor so that they have the opportunity to ask questions.

Lastly, survivors' consent is once again confirmed and FGO asks them to sign a consent form, which had been presented to and discussed with them at the beginning of the appointment. At this point, referrals to psychosocial support services may also be provided (see Chapter 4). With the consent of survivors, FGO saves and stores the records of the appointment, including the application form, supporting documents, and signed consent forms, with the purpose (1) to (re)share it with the relevant authorities, including by submitting the application on their behalf, (2) for monitoring and evaluation (M&E) purposes, and (3) for humanitarian purposes that

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<sup>20</sup> Please find further information on the YSL in the Annex.

mainly related to assessing and understanding survivors needs, granting survivors anonymity for both latter purposes. FGO's data protection protocols are of course carefully followed, regularly reviewed and adapted to the respective jurisdictions' requirements by the FGO legal team, combining the standards of the Iraqi data protection and privacy laws and the European Union's General Data Protection Regulations (EU GDPR, see Chapter 4).

#### Feedback Mechanisms on Application Process

The above technical guidance is the result of an inclusive and consultative process in which survivors have been leaders, participants, and contributors. FGO gathers survivors' feedback on both the YSL application and the support processes, which is then reported within FGO, among CSOs supporting survivors in the application process, and to relevant governmental actors, especially the IDSA. Such survivor-led feedback mechanisms are of utmost importance for reparations under the YSL to be accessible and available to survivors and for their needs and demands to be heard (see Figure 3).

This last section of Chapter 3 hence aims to offer recommendations and solutions for governmental stakeholders and civil society both inside Iraq and outside Iraq on how survivors' feedback can be thoroughly included in the further improvement of YSL implementation and how current challenges can be overcome. FGO aims to apply the idea of a living document, so that feedback from

survivors in particular can lead to further improvement, adaptation, and supplementation to provide a good basis for tailored and individualized assistance.

The IDSA has initiated ongoing, collaborative efforts with FGO and with other civil society actors who work alongside the IDSA to remove barriers that inhibit survivors' access to their rights under the YSL. An exchange of experiences and information on the civil society level is moreover facilitated in the framework of the C4JR, through which various civil society-led support structures for survivors come together. This coalition aims to establish a robust survivor-centric monitoring and evaluation (M&E) system for the implementation of the YSL.

FGO has taken up these opportunities for in-depth feedback to and exchange with the IDSA and CSNs. On an ongoing basis, we have shared the challenges and lessons we have learned based on our survivor-led M&E system. This includes technical challenges that survivors face during the application process. In light of the age- and gender-sensitive approach taken by FGO, this also includes particular challenges survivors face because of their age and gender.

*Obtaining Sufficient Documentation*

A major technical challenge survivors face, which has psychosocial ramifications (see Chapter 4), is obtaining sufficient documentation to complete the fourth section of the online application. Papers from court proceedings, including cases that are ongoing or incomplete, are among the documents survivors are asked to submit along with their application to prove their status and entitlement under the YSL. In a meeting with civil society actors in November 2022, the General Director of the IDSA acknowledged the challenge of obtaining documents from the courts necessary for application. Obtaining such documents requires survivors to go before the court with evidence of the crimes committed against them. Not all survivors have had the opportunity to do so, for example, many survivors who have left Iraq

have not appeared before an Iraqi court. Furthermore, many survivors, especially those from the Shabak, Turkmen, and Christian communities, fear for their safety if they participate in judicial proceedings and hence identify themselves as survivors. However, court documents are of great importance to the application review process, and as of February 2023, FGO is only aware of applications that have been approved that included court documents.

For survivors living in Iraq, technical solutions are urgently needed to enable them to legally certify their survivor status. FGO encourages the IDSA to work towards enabling simple, quick and official court proceedings. We also call on CSOs to support survivors inside Iraq and abroad in obtaining court papers. Certainly, the Iraqi judiciary must be called upon to provide simplified and accessible evidence standards that

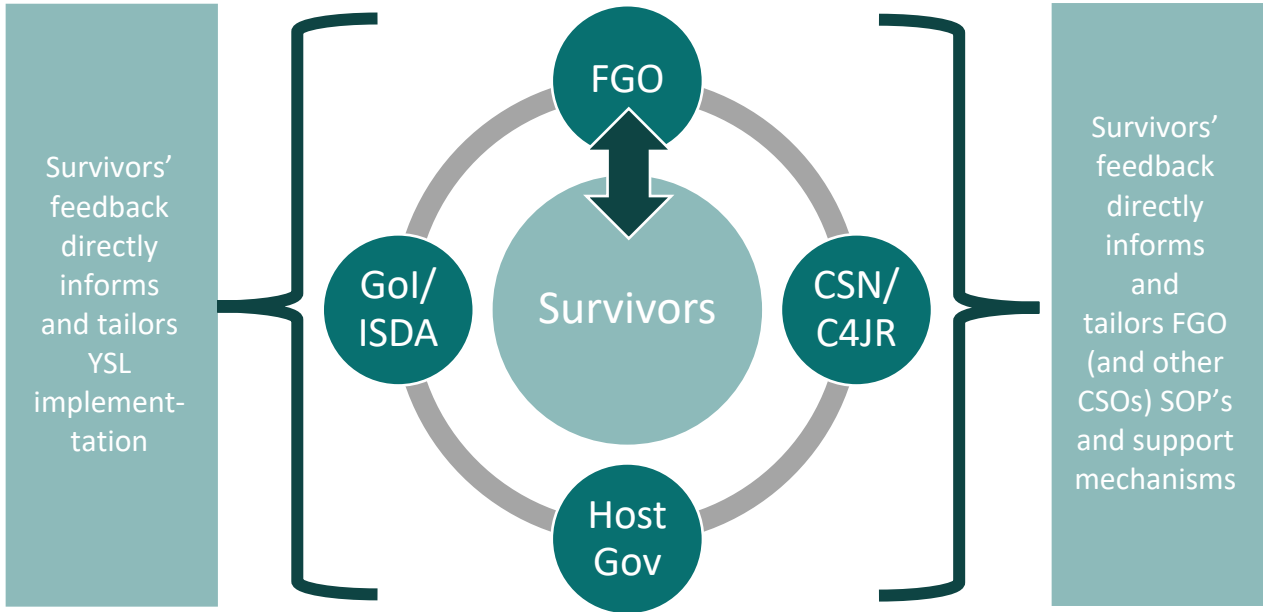


Figure 3: Survivor-Led Feedback Mechanisms with Governments and Civil Society

circumvent the need for court papers, as this presents an unreasonably high legal threshold. For instance, the Committee might consider providing a waiver for survivors who provide sufficient evidence documents from other sources, such as the others included in the fourth section of the application, which would reduce the need for court proceedings. As part of the solution for survivors living outside of Iraq, FGO suggests that survivors who have already been acknowledged by the institutions or courts of their host governments should be able to use these documents to support their legal claim to eligibility. This may include testimonies given as part of applications for asylum or for special humanitarian programs in Germany, Canada, Australia, and elsewhere, or court documents from legal proceedings outside Iraq that called on the principle of universal jurisdiction. Should the Committee approve this option, CSOs ought to provide support in obtaining, authenticating, and translating relevant documents from outside Iraq. FGO is eager to continue our engagement with the IDSA and the Committee to promote transnational access to judicial resources, as this is a matter of high priority.

#### *Applications from Outside of Iraq*

Until February 2023, verification codes could only be sent to Iraqi phone numbers. After a testing phase in February 2023, it will soon be possible for all survivors to submit applications with phone numbers from countries worldwide. Hence, one of the

challenges survivors living outside of Iraq in accessing reparations under the YSL through the Ur Portal has already been addressed. FGO expresses our deep appreciation that the IDSA has worked to overcome this hurdle within such a short timeframe. Since most survivors living outside Iraq had no access to the application process at the time this guidance was written, specific technical challenges have yet to materialize and will be part of an updated version of this guidance. Nevertheless, further minor technical alterations to the online application portal will have to be made, such as allowing applicants to indicate a residence outside Iraq.

The past limitation on applying for reparations under the YSL from abroad had led some survivors to travel to Iraq in order to submit their applications, raising concerns about availability and accessibility, given the financial and psychosocial costs of such travel. Furthermore, survivors living outside Iraq may face additional challenges to the status of their residence, asylum, social security, or health insurance. FGO is aware of survivors in Germany who face severe cuts in their social security payments and their health insurance whenever they travel to Iraq. FGO calls on all relevant stakeholders to ease the barriers faced by survivors to access their rights under the YSL.

Furthermore, FGO believes that allowing the submission of identity documents issued by authorities outside Iraq will make the process more accessible. While many



survivors who live outside Iraq may not possess sufficient valid identification issued by the Iraqi government, they may have alternate documents that verify their identity and Iraqi nationality. Establishing low-threshold mechanisms with the IDSA, relevant Iraqi embassies, and governmental institutions is thus one of FGO's main priorities.

Survivors living outside Iraq also share concern about the formal requirements of the application process for minors. While a letter of attorney by the child's guardian (her or his father, under Iraqi law) is needed in the framework of part B of the first section of the application, this presents an issue for survivors experiencing family separation. For example, under the SQP of BW, it is common for children's fathers to remain in Iraq while children and their mothers live in Germany. Thus, mothers may be unable to obtain such letters of attorney in Germany and the recognition of such letters under Iraqi law. Transnational dialogue is needed to develop solutions and strengthen support networks for internationally displaced and separated families.

Moreover, in terms of barriers to accessing reparation for survivors living in Germany and other countries who receive social services and welfare payments (including health insurance), it is not yet clear if receipt of reparations would affect their eligibility for these welfare services. Fear of losing social support and particularly health insurance would disincentivize survivors to

demand their right to reparations, and would contradict the purpose of both social support and reparations programs. Moreover, the tax status of income obtained as part of reparations has not been defined. As a matter of justice, reparations payments should not be taxed, but this has yet to be legislated by host governments in Germany and elsewhere. These two financial points present a technical, legal, and ethical challenge, and require swift action from the GoI, the IDSA, and host governments to ensure that once survivors living outside Iraq are able to access the application process, they will be able to enjoy full vindication of their rights.

Working in close cooperation with the IDSA, the GoI, several host governments (including relevant German authorities), and survivors living in countries such as Germany, France, Canada, and Australia, FGO is optimistic that challenges for survivors outside Iraq may be overcome so that accessibility to their rights under the YSL is ensured.



## 4. Psychosocial Guidance on Survivor Application under the YSL

FGO is aware that survivors face mental health challenges, including mental illness, often caused by the violence they were subjected to. The information necessary to facilitate the YSL application process relates to the most severe human rights violations inflicted on survivors and thus traumatic experiences. The application process can hence be seen as an additional trigger on top of these mental health challenges with the potential for re-traumatization, flashbacks, and other mental health challenges due to the subject matter.

This furthermore holds true for application questions about the violence inflicted on survivors (e.g., list all human rights violations and crimes survivors were subjected to); questions indirectly referring to the violence inflicted on the survivors, that can nonetheless be triggering for survivors (e.g., the question to list all places where survivors were kept in captivity and subjected to crimes, or the question to describe their route of escape); and questions to obtain and/or submit relevant documentation (e.g., from courts), a process that is potentially re-traumatizing in itself. Lastly, trauma may come from areas where the offices of the IDSA are located. For survivors living outside Iraq, this includes the return to Iraq.

In order for assistance to be truly survivor-centric and accessible, it must consider the psychosocial needs and wishes of survivors

at all stages of the process. FGO has therefore developed an MHPSS protocol, including three types of MHPSS intervention, which integrate psychosocial support good practices into the technical SOPs. By combining technical and psychosocial expertise to facilitate survivors' access to reparations, FGO aims to best support survivors throughout the application process. This includes an ongoing exchange of information and experience on psychosocial considerations and MHPSS-informed feedback with the IDSA and civil society partners to further improve the reparations program's accessibility for survivors.

The purposes of this chapter are therefore to give insights into FGO's MHPSS protocol and to offer guidance for case workers, family members, and others providing assistance to survivors, the latter of which will include self-care measures to ensure the wellbeing of all. This psychosocial guidance was developed by FGO based on the experience of providing psychosocially and trauma-informed assistance to survivors with completing and submitting their applications. The protocol employed by FGO (summarized in Figure 4) is the result of an inclusive and consultative process in which survivors have been leaders, participants, and contributors. It is tailored to the needs

and preferences of survivors, accounting for variation between individuals.

As the application was not yet accessible outside Iraq during the time this guidance was written, the below MHPSS mechanisms have only been implemented in Iraq. Nevertheless, the specific needs of survivors living outside Iraq are already being considered, including through consultations with survivors in FGO's team and community outside Iraq, e.g., in Germany, France, Australia, and Canada. This includes considerations regarding referral mechanisms tailored to host countries' specific situations. An updated version of this guidance will be forthcoming once the approaches have been piloted outside Iraq

and necessary experiences have been gained.

This chapter details the psychosocial aspects of our application support work in three parts. First, it explains FGO's general MHPSS protocol and its implementation throughout the YSL application process, in hopes that this will be a useful resource for civil society actors who intend to join FGO in supporting survivors with filling out the application. We furthermore highlight how psychosocial considerations and related challenges that survivors living inside and outside Iraq currently face during the application process inform our feedback mechanisms with the IDSA and our exchanges with other civil society stakeholders. In the final part, this



Figure 4: Overview of FGO's MHPSS Protocol and Mechanisms

guidance provides an overview of the MHPSS mechanisms used by FGO: our peer-to-peer psychological first aid (PFA) mechanism, referral mechanism, and staff wellbeing approach.

#### MHPSS-Informed Application Process

FGO's psychosocial protocol is informed by different MHPSS approaches, the application of which depends on survivors' needs and wishes. Hence, the below is a toolbox of approaches, methods, and good practices rather than a definitive list. FGO aims to apply the idea of a living document so that survivors' feedback in particular can lead to further improvement, adaptation, and supplementation to provide a good basis for tailored and individualized assistance.

FGO's approach builds on survivor-centric and -led self-help elements by which survivors are supported with information and counselling. Survivors decide the kind and extent of support they receive, which may include booking an appointment, provision with the necessary information such as on formalities or terminology to fill out applications alone, or support filling out the whole application form. This includes thorough information and counselling on the application process and on the information and documentation that need to be submitted, provided in a trauma-informed way with compassionate and culturally-

sensitive communication and listening strategies at heart. The following mainly relates to support with full applications, though it is of course applicable to any other form of assistance provided in the framework of YSL applications.

#### *Low-threshold and Tailored Access*

Providing low-threshold access to information and resources ensures survivors' ownership over the application process and avoids distress and insecurities. Hence, through the tailored use of adequate language, means of communication, technology, etc., technical and psychosocial barriers to the YSL application can be removed. In light of FGO's multilingual approach,<sup>21</sup> staff communicate with the survivor in her or his native language, which for most Yazidi survivors is Kurdish-Kurmanji. Furthermore, all staff supporting survivors are fluent in Arabic. Staff who support survivors outside Iraq are furthermore fluent in the host country's official language, e.g., in German. This is important both to communicate with survivors and furthermore to review and understand relevant documentation for the application.

FGO staff who support survivor applications are applicants' peers, including fellow survivors. Their shared background and experiences enable staff to intuitively

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<sup>21</sup> FGO applies a multilingual approach across all means of communication outlined in Chapter 3, which include telephone, IMS such as WhatsApp, and in-person. This accounts for survivors' varying technical literacy and access to mobile networks. With a view to survivor wellbeing, we seek to ensure that each survivor has the opportunity to express themselves in the language and format that is most comfortable for them.

understand survivors' perspectives. This eases the burden on survivors who must explain themselves and may feel that they are not listened to in other contexts. Shared experiences furthermore contribute to a trusting relationship between applicant and staff member, creating a dynamic in which survivors feel able to discuss their traumatic experiences and the crimes committed against them.

FGO staff who support with survivor applications are necessarily exposed to stories that are upsetting. Our team members hear stories that make us emotional or sad, especially given the closeness of our team and the community: we share space, language, and history. For FGO team members who are themselves survivors, there is an additional potential for re-traumatization. FGO's MHPSS procedures

are thus designed to take staff wellbeing into account (see Section 3 of this Chapter).

### *Building Rapport and Trust*

To build rapport, FGO ensures that each survivor has one or two fixed contact persons in our team, who can be contacted throughout the application process. This is also to account for the privacy and data protection of survivors so that other staff are only involved on a need-to-know basis. For reasons of information sharing and registration on Ur Portal, at least one preparatory phone call or in-person discussion with the designated staff member takes place before the appointment to fill out the application. In this conversation, the survivor is asked about their particular needs, which are taken into account throughout the application process.



Picture 1: One of the office spaces in which FGO implements one-on-one YSL application counselling sessions with survivors and their families (© FGO)

With the informed consent of survivors, the FGO staff member starts to take notes during the first contact to ensure that survivors do not need to speak about their stories repeatedly. This is particularly due to the fact that many survivors feel the urge to give their testimonies and speak about their suffering at the start of their contact with FGO. At this point, FGO assures survivors that they are in control of their testimonies and the information they want to share, and that although they are encouraged to fill out all mandatory information thoroughly, mental health considerations are prioritized.

#### *Respectful Environment and Safe(r) Space*

For the purpose of supporting survivors in filling out the YSL online application form in person, FGO provides survivors with the option to either visit FGO's offices or to receive support from our mobile team, who visit survivors at their homes or in other trusted spaces. This also depends on factors such as family size and children as well as mobility, disability, and trauma triggers, so that survivors feel safe throughout filling out the applications and have places of retreat.

If survivors decide they wish to receive counselling at FGO's offices, the psychosocial wellbeing of survivors is also considered when preparing the physical environment for the appointment. The spaces that survivors occupy before and during the appointment (i.e., the waiting and interview rooms) must be conducive to their ability to express themselves. This includes physical considerations, such as heating, air

conditioning and comfortable seating. Physical discomfort, in particular extreme temperatures, inhibits a person's ability to think clearly and speak freely, as survivors ought to be able to do throughout this high-stakes process. As part of a safe, comfortable, and non-triggering environment, all FGO counselling rooms are designed and furnished in consultation with the survivors in our team in a way that accounts for anxiety and different forms of mental distress, such as claustrophobia, as well as other trauma-induced triggers.

Coming into a new space or welcoming others into one's own home can induce feelings of insecurity. Therefore, FGO has set up an introduction and welcoming protocol about which survivors are informed during the initial registration and preparation conversation, and which is implemented according to individual needs whenever survivors visit FGO offices. First, survivors are welcomed in a respectful manner and listened to as they explain the purpose of their visit, and are guided to a private room where the counselling session will take place. They are invited to make themselves comfortable, and provided with beverages such as water, coffee, and/or tea depending on their preferences. Depending on a survivor's wishes, any family members accompanying them will be invited to wait in the waiting area and provided with information and refreshment there. Children will be invited to play in a designated area in the presence of FGO staff. This way, the privacy of the survivor is respected while



accounting for family members' needs. Thus, survivors and their family members and/or accompanying persons are welcomed with respect and provided with a comfortable space to build the trust so that they feel safe to share their testimony with FGO staff with dignity.

### *Informed Consent and Ownership*

As mentioned above, privacy is of utmost importance, in particular as it relates to security. This is significant when it comes to informed consent, data protection, and survivors' ownership of their personal story.

FGO offers assistance to survivors in a variety of ways to mitigate technical challenges. This includes communication in person, via IMS, and by phone. Not all forms of communication, particularly electronic platforms such as WhatsApp, provide a level of data protection that meets FGO standards. Thus, although FGO offers survivors the choice to communicate via their preferred platform, we make them aware of these security concerns, discuss alternatives, and obtain their consent to proceed. Survivors therefore have the final say in how they communicate with FGO.

FGO integrates data protection into all aspects of our application support procedures. Our goal is to safeguard sensitive information from corruption, compromise, or loss by controlling access to data in all forms, including electronic and offline storage. All information shared with FGO by survivors is shared within the

organization on a need-to-know-basis, meaning team members exchange minimal information to protect applicants' privacy. Paper-based material is stored in the office in locked cabinets that are accessible only to staff. When survivors' information is shared with relevant, trusted organizations outside of FGO, such as the ISDA or referral partners, this is done only with the informed consent of the survivor. For the sake of accountability, these measures are explained to survivors as part of the informed consent process.

When supporting survivors in filling out their application, it is above all important that survivors are thoroughly informed about the procedure and that survivors' (verbal) consent is requested and obtained at every step of the process. Survivors must be able to rescind their consent at any time. Concretely, this means repeatedly asking survivors if they would like to take a break, and allowing them to choose whether to continue, and that they are aware that they can decide this. In the same vein, survivors must have complete control over the content of the application. They may choose what question to answer and what information to share with the person supporting their application, and consent for this information to be submitted with the application.

Free and informed consent means that survivors must know to what they are agreeing, be given time to consider their options, and feel able to opt in or out as they

prefer. Verbal consent is hence important throughout the process, but it is also important that survivors give their free and informed consent by signing a form, and for survivors to receive all applicable information in writing as well. Therefore, FGO follows an approach through which survivors' informed verbal consent is obtained periodically while filling out the application, and informed written consent is obtained at the end of the interview.

In this context, FGO differentiates between consent given in the framework of the online application form and FGO's own consent processes: Once the review of the application form and all supporting documents is finalized by survivors and changes are made (see Step 8, Chapter 3),<sup>22</sup> the survivor confirms in the final section of the IDSA's online application that the information is correct and signs the form. Then, survivors renew their consent to FGO supporting the application process and they are asked to sign FGO's consent form, which had been presented and discussed with them at the beginning of the appointment. The form represents an acknowledgement that survivors understand and consent to FGO's participation in their application process, and that they freely consent to have their information used, stored, and shared as part of the legal process under the YSL.

This is done with the purpose (1) to (re)share it with the relevant authorities, including by submitting the application on their behalf, (2) for M&E purposes, and (3) for humanitarian purposes that mainly relate to assessing and understanding survivors needs, granting survivors anonymity for the latter two purposes. As FGO acknowledges survivors' ownership over their own testimonies and stories, consent to FGO can be fully or partially given by checking various boxes on the form. Purposes and activities such as sharing anonymized information for M&E purposes can be excluded from consent.

#### *Compassionate and Tailored Communication*

Compassionate and active listening strategies are at the heart of FGO's psychosocially and trauma-informed approach. They are applied in all communication with survivors and aim to acknowledge the different vulnerabilities and experiences of applicants in an empowering and survivor-centric way. Survivors are assured that FGO does not discriminate between different categories of eligible applicants under the law, but rather aims to support all those eligible in a manner tailored to their needs and wants.

This includes **culturally-sensitive listening and communication strategies** that

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<sup>22</sup> It is of course up to the applicant to decide when and whether to submit the online application form. Hence, depending on survivors' needs and wishes, they are informed that the information is safely stored in the online application form and they are encouraged to take the time to revisit their information at a later time, if they so wish. For some survivors, a second appointment is booked to finalize the online application form, though most survivors prefer to submit information in the same meeting if all documentation and information are available.

acknowledge survivors' control and ownership over their own testimonies and stories. Survivors are well-respected and accepted in the Yazidi community, and have become leaders in the campaign to achieve justice for both individuals and the community, including the development of the YSL. They have founded their own CSOs and businesses. Moreover, survivors (have been asked to) speak about the human rights violations inflicted on them by various governmental and non-governmental stakeholders, the justice system, as well as in their public and private lives. Building on this collective experience, FGO's approach builds on compassion, empowerment, and empathy rather than *shafaqa* (Arabic, translated: pity, a concept well-known in the Iraq that views victims as pitiful and in need of constant help).

Nevertheless, FGO acknowledges the trauma and psychological strain of speaking about the harm inflicted on survivors, whether it be for the first time or repeated indefinitely. Indeed, there are questions that are difficult to answer for survivors. Survivors are therefore thoroughly informed about the purpose of (different parts of) the application form and IDSA authorship of the form, as well as about the mandatory or optional nature of different questions.

*"Please allow me to thank you for your trust in filling out the IDSA questionnaire together with me. I know that what happened to you happened*

*against your will and that it can be very difficult to speak about these experiences. Please allow me to say that I respect your story and experiences from the present and the past. Upon your consent, I am here to support you to the best of my capabilities throughout this process to get your rights fulfilled."*<sup>23</sup>

Survivors are encouraged to only share information that they want to share, reminded that they can also refuse to share information since they are in control of their own testimony, and assured that there is no need to share details about the harm inflicted on them. Furthermore, survivors are thoroughly informed which parts of the questionnaire can be replaced through statements already given to other governmental or non-governmental actors, so that they do not have to re-tell their stories over and over again. This way, survivors are given full control over both the pacing of the application support process and the content of their application.

*"Please allow me to assure you that you are in control of this process and I will ask you for your consent for every step of the questionnaire. You are in control of what information you want to share, and can choose to answer or not to answer the different questions, and whether or not you want to share details. I will be here for you and listening to you, if this is what you want. We can of course stop our conversation or take a break at any point, take a walk outside and breath the fresh air, or have tea or coffee."*

While filling out the online application, FGO staff members acknowledge that there may

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<sup>23</sup> This and the following quotes are statements frequently used by FGO staff in the framework of application support in Iraq. They are adapted to the context and survivor's wishes and needs.



be questions that are difficult to answer, which may have the potential of re-traumatization. Therefore, FGO staff offer information, guidance, and support from the very start of the application process, if this wanted and needed by the survivor. The techniques used are culturally-sensitive and intended to avoid re-traumatization, so that survivors are not made to relive the moment or experience again but can stay in the present (see Section 3, Chapter 4).

*“Please allow me to give you a little more information about the questions we could speak about in the next section of the application form on [topic of relevant section]. What I want to say first, is that I know that some of the following questions are difficult to speak about. Though they are part of the IDSA application form, you can of course decide not to answer any of the questions, simply say yes or no or give any other brief answer so that you don’t dive too deep into your memory or even relive it. You are in control of your own story and testimony and we can take a break or stop at any point. I am here to support you to the best I can. With your consent, I will mention and guide you through techniques on how to deal with difficult memories or emotions that may be triggered by some of the questions.”*

For difficult and/or sensitive questions, FGO staff obtain renewed verbal consent to speak about the subject and assure the survivor that she or he can also choose not to answer the question. After consent is given and survivors choose to answer the question, it is asked using culturally appropriate and psychosocially informed language. For example, for Yazidi survivors, the inquiry if survivors have been subjected to sexual violence is rephrased in Kurdish-

Kurmanji in a way that has less potential to cause re-traumatization and is more culturally accepted: “Dast Dereshi el Sar Ta Kern?” (English: “Did they extend their hands on you?”) or “Taada El Ta Kern?” (English: “Did they hurt you?”). The FGO staff then reiterate that no details need to be shared, and offer guidance and support if wanted and needed so that survivors do not have to relive difficult moments or experiences but instead stay in the present.

As previously stated, FGO acknowledges the leadership of survivors within the community. We act with a sense of solidarity and empowerment in all our programming. In spite of these developments, which have been led by survivors, we take into account the nuanced needs of different genders throughout the application process. This includes **gender-sensitive language and communication strategies**, through which FGO aims to understand and give consideration to socio-cultural norms and to acknowledge differences and asymmetries in rights, roles, and experiences.

**Gender-specific factors relating to privacy** are furthermore considered throughout the application process. As a general rule, at FGO, female staff counsel women and children and male staff counsel men. Nevertheless, entire families often seek FGO counselling together. Many survivors feel shy or uncomfortable sharing their stories and emotions in front of men but do not want to disrespect them by asking them to leave the room. This holds particularly true

for male family members. Hence, in any application process, but specifically for those parts of the application that relate to sexual violence and other gender-specific human rights violations, FGO advises all family members that only women are to be present in the room.

In these instances, men who accompany survivors as their family members or who are themselves applicants under the law are nevertheless included and informed. Male family members are asked for their kind understanding that survivors may need time, space, and privacy when filling out (parts of) the application with only female staff present. Male family members are provided with general information about the application process in a separate room, such as on formalities or as to which documents or need to be submitted, although no personal information of survivors is shared. Men covered by the YSL are provided with

the information and support they need for their own application processes.

Through these transparent and compassionate communication mechanisms, FGO aims to ensure that different groups of survivors feel that they are in control of the process and that tailored support is provided depending on their individual needs and gender without discrimination.

FGO's compassionate listening and communication strategies are furthermore tailored to a **survivor's age** and staff use tailored language to address different age groups respectfully, to make sure all information is well understood, and that the needs and wishes of all survivors are properly addressed. Older survivors often feel insecure and are afraid that information is not filled in correctly, also due to illiteracy. Hence, FGO staff use active listening and mirroring strategies, repeating information



Picture 2: Farida Khalaf, President of FGO, giving the opening speech at a survivor-centric commemoration event organized by FGO in cooperation with Nadia's Initiative in 2022 (© FGO)

shared by survivors once it has recorded in the application form, actively asking survivors if they have been correctly understood. Additionally, many older survivors who have been subjected to other crimes covered by the law worry that staff may get tired, and thus feel they must rush through the application process or refrain from sharing information. From the beginning, FGO staff explain that they are there to support applicants, that they are trained for this purpose, and will communicate openly if they need a break.

Many families seeking counselling come to FGO offices together with minors who live with them. Often, minors themselves have been subjected to severe human rights violations, including witnessing severe crimes and losing parents or other family members, and are hence covered by the YSL. Child-friendly spaces that give minors space to move and play and offer them a protected environment in which they can participate in a consenting and organized way are therefore of utmost importance to FGO.

As applications for minors under the YSL are facilitated together with the legal guardian, children and youth are not interviewed alone – if at all – considering the best interest of the child. If minors wish to make a statement in privacy, it is FGO policy that they do so within plain sight but out of earshot of their guardians, a rule which is followed with the consent of both minor and guardian. During conversations with minors, child- and gender-specific active and

compassionate listening strategies and language are applied. This includes: providing children with thorough information tailored to their age both verbally and through images specifically prepared by FGO for this purpose; reflecting and/or repeating information to make sure staff properly understand what children say; and child-specific psychosocial first aid strategies (see Section 3, Chapter 4).

In this way, FGO aims to provide a safe, trusted, and child-friendly space for minors. Particularly given that child survivors often have little trust in adults, building rapport is more difficult. Minors therefore need specific language and communication strategies tailored to their needs. At the same time, many adult applicants can only truly concentrate on the application process once they know their children or minors under their guardianship are safe and well taken care of.

#### *MHPSS-Informed Follow Up & Feedback*

In all our programming, FGO puts the relationship between staff members and survivors at the centre. Apart from taking time to build rapport and trust, this includes ensuring that a relationship does not end with filling out the online application form, but rather is complemented by follow-ups and check-ins to make sure survivors are also safe and supported beyond the application process.

FGO acknowledges that survivors face mental health challenges, including mental

illness, and that the questions in the application form can be seen as an additional trigger. Hence, FGO staff do their best to compassionately listen to survivors, recognize indicators of triggers and flashbacks, and talk to survivors after the application form is filled out so that survivors do not feel left alone with potential psychosocial challenges. This includes frequent and regular follow-up depending on survivors' needs and with their consent.

Moreover, psychosocial considerations and related challenges that survivors face during the application process inform FGO SOPs, our feedback mechanisms with the IDSA, and our exchanges with other civil society stakeholders, leading to a continued process of internal and external learning (See Figure 3). In light of the age- and gender-specific approach taken by FGO, this also includes particular challenges survivors face because of their age and gender and particularly includes minors and elderly people.

This includes referral systems that are designed on the basis of survivors' feedback and needs. FGO reassures all survivors that staff are available to discuss any medical, social, or psychological concerns at any time before, during, and after the application process, especially regarding the consequences of the violence inflicted on survivors. In this context, FGO is currently building tailored structures in Iraq, Germany,

Australia, and other countries to refer those in need to professional support with their consent (see Section 3, Chapter 4).

### Complementary MHPSS Mechanisms

In addition to psychosocial considerations informing all FGO application support processes, there are three streamlined MHPSS interventions: our peer-to-peer PFA mechanism, our needs- and evidence-based referral mechanism, and our tailored staff wellbeing approach. The MHPSS mechanisms laid out here are made available to survivors not only as part of the YSL application process but are a part of FGO's psychosocially informed programming more broadly.

Based on the J. Hopkins University PFA Model and informed by peer-to-peer PFA approaches, FGO is currently developing its own approach to survivor-centric PFA interventions that build on culturally-, gender- and age-sensitive active and compassionate listening strategies. Aiming to provide physical and emotional comfort for children, we are also developing child-friendly PFA measures following Save the Children's approach for child practitioners.<sup>24</sup>

FGO is currently working with the IDSA to ensure access to trained support with the goal of meeting the current psychosocial and physical needs of survivors in Iraq and abroad. To this end, we are currently

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<sup>24</sup> Save the Children (2013): Psychological First Aid Training Manual for Child Practitioners (online: <https://resourcecentre.savethechildren.net/document/save-children-psychological-first-aid-training-manual-child-practitioners/>, accessed 07.01.2023).

developing evidence-based referral mechanisms based on an assessment of the needs and feedback of survivors. The scope of these referral mechanisms shall be derived from survivors' needs and wants and may cover referrals in the fields of MHPSS, medical, as well as legal, educational, and/or administrative support.

Building on a transnational approach, FGO aims to refer survivors to the best and most tailored support and information that reflects their transnational experiences. For example, some survivors who live in Germany have travelled to Iraq to complete their applications. To appropriately address their needs and questions after the application process, a case worker in Iraq would need to refer them to services in Germany. Thus, FGO seeks to build a transnational network of referrals. With team members in Iraq and Germany, and a network that extends to other countries where survivors live, FGO is well-positioned to facilitate referrals and access to information for survivors collectively and on a case-by-case basis.

Any actors supporting survivor applications will encounter testimonies about severe human rights violations. As an organization that works based on survivor-to-survivor and peer-to-peer approaches, FGO has particular needs regarding staff wellbeing including the need for staff protection from secondary trauma and compassion fatigue. FGO's MHPSS procedures are hence designed to take staff wellbeing into account and aim to

protect staff. Through these mechanisms, FGO furthermore upholds thorough and rigorous protection standards for the survivors we serve, because healthy staff can provide the better support to survivors who seek our assistance.

Staff protection starts with the fact that staff, like survivors, are able to take breaks, get refreshments, and briefly leave the room or go outside as needed. In this context, staff are furthermore invited to ask their colleagues for support if needed, though FGO operates on a strict need-to-know basis. Furthermore, all FGO staff receive training and other qualification measures in the field of staff wellbeing and self-care, teamwork, as well as intervision (coaching between peers). FGO staff are invited and supported to develop their own self-care mechanisms to prevent them from being overwhelmed by what they hear. Moreover, staff resources are planned so that all FGO team members have enough time to rest and take breaks both during and after working hours.

*"We serve those most vulnerable, who often do not know where to go. Of course, this has an impact on us, particularly coming from the same background and living situation. So first, I need to check in with myself psychologically if I am ready or not. First, I have to make sure that I am ok, and then comes the work. There are situations where I feel I am not fully ready to apply our approaches, so I ask my co-workers for their support. We work as a team rather than individualistic and have built trust and rapport within our team. As a team, we can offer the best support possible."*

## 5. Conclusion

“There are many challenges survivors face in submitting the applications and we hope for support.”<sup>25</sup>

With this guidance note, FGO has sought to share our insight as an SLO working to support survivors of genocide and CRSV from the Yazidi, Turkmen, Shabak, and Christian community to apply for reparations under the YSL. In the introduction, we outline our approach and perspectives and describe our ongoing activities to support survivor applications under the YSL. In **Chapter 2**, we provide context for the YSL, including international legal frameworks and the perspectives of survivors. We furthermore describe the law’s development and the rights it guarantees to survivors. Lastly, we outline FGO’s role in implementing the YSL, which provides the basis for the following two chapters. **Chapter 3** provides technical guidance on the application process, which reflects good practices developed by FGO to support survivors. It also describes technical challenges encountered by survivors thus far and suggests potential solutions. **Chapter 4**

offers insight and guidance on the psychosocial support activities FGO has developed within the framework of our support process. We again indicate challenges and suggestions based on our team’s experience and survivors’ feedback.

Both technical and psychosocial support mechanisms are critical to ensuring that all survivors have access to the reparations programme under the YSL. They must be strengthened and enhanced on an ongoing basis in response to feedback from survivors about their experiences and needs. Moreover, these support mechanisms must serve survivors by conveying their concerns and demands to the IDSA and other governmental stakeholders as well as amplifying their voices in CSNs. FGO has endeavoured to do so through ongoing exchange with the IDSA, participation in inclusive M&E procedures with our communities and partners, and through

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<sup>25</sup> Feedback by a survivor who participated in one of FGO’s first information sessions in September 2022.



sharing information as we have in this guidance note.

FGO is convinced that the YSL provides a comprehensive legal framework and reparations scheme, so that in the future most people covered by all YSL categories will benefit from it not just financially but the YSL and its measures will support their healing process. Nevertheless, survivors continue to face challenges throughout the application process, and we hope to provide the support they need so that reparations are available and accessible to them worldwide.

To turn the potential and promise of the YSL into a reality in survivors' lives, FGO welcomes further exchange of knowledge and resources with the goal of supporting survivor access to reparations under the YSL. More information and guidance on the specifics of our support procedures are available upon request.



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ANNEX I – YAZIDI SURVIVORS LAW (ARABIC ORIGINAL)<sup>26</sup>

## المادة ١

لاغراض هذا القانون يقصد بالتعابير التالية المعاني المبينة ازاء كل منها:

أولاً – الناجية: كل امرأة او فتاة تعرضت الى جرائم العنف الجنسي من اختطافها، استعبادها جنسياً، بيعها في اسواق النخاسة، فصلها عن ذويها، اجبارها على تغيير ديانتها، الزواج القسري، الحمل والاجهاض القسري او إلحاق الاذى بها جسدياً ونفسياً من قبل تنظيم داعش من تاريخ ٢٠١٤/٨/٣ وتحررن بعد ذلك.

ثانياً – المديرية - المديرية العامة لشؤون الناجيات الأيزديات.

## المادة ٢

تسري احكام هذا القانون على:

أولاً: كل ناجية ايزيدية تم اختطافها من قبل تنظيم داعش وتحررت بعد ذلك.

ثانياً: النساء والفتيات من المكون (التركمان، المسيحي، الشبكي) اللواتي تعرضن الى نفس الجرائم المذكورة في البند (أولاً) من المادة (١) من هذا القانون.

ثالثاً: الناجين من الاطفال الايزديين والذين كانوا دون سن الثامنة عشر عاماً عند اختطافهم.

رابعاً: الناجين الأيزديين والتركمان والمسيحيين والشبك من عمليات القتل والتصفية الجماعية التي قام بها تنظيم داعش في مناطقهم.

## المادة ٣

أولاً: تؤسس مديرية عامة لرعاية شؤون الناجيات وترتبط بوزارة العمل والشؤون الاجتماعية ويكون مقرها في محافظة نينوى ولها حق فتح فروع في مناطق تواجد الناجيات متى اقتضى ذلك.

ثانياً: يدير المديرية العامة المنصوص عليها في البند (أولاً) من هذه المادة موظف بعنوان (مدير عام) من المكون الايزيدي حاصل على شهادة جامعية اولية في الاقل في مجال القانون او الادارة وله خبرة وممارسة لا تقل عن عشر سنوات في مجال عمله يعينه مجلس الوزراء.

## المادة ٤

<sup>26</sup> Annexing the YSL text in the framework of this Guidance has been kindly approved by the IDSA General Director and is for information reasons mainly. Please find the original publication of the law here: <https://www.moj.gov.iq/view.5491/>

يهدف هذا القانون الى:

أولاً: تعويض الناجيات والمشمولين بأحكام هذا القانون مادياً ومعنوياً، وتأمين حياة كريمة لهم. ثانياً: تأهيل ورعاية الناجيات والمشمولين بأحكام هذا القانون، واعداد الوسائل الكفيلة لدمجهم في المجتمع ومنع تكرار ما حصل من انتهاكات بحقهم.

#### المادة ٥

تتولى المديرية تحقيق اهدافها بالوسائل الآتية:

أولاً: احصاء وإعداد البيانات للناجيات والمشمولين بأحكام هذا القانون بناءً على المعلومات الصادرة من المؤسسات الحكومية وغير الحكومية العاملة في هذا المجال.

ثانياً: تقديم الرعاية اللازمة للناجيات والفئات المشمولة بأحكام هذا القانون. ثالثاً: التنسيق مع كافة الدوائر الحكومية والمنظمات المحلية والدولية من اجل دعم الناجيات والفئات المشمولة بأحكام هذا القانون.

ثالثاً: التنسيق مع الدوائر الحكومية والمنظمات المحلية والدولية من أجل دعم الناجيات والفئات المشمولة بأحكام هذا القانون.

رابعاً: توفير فرص التحصيل العلمي الخاصة بالناجيات والمشمولين بأحكام هذا القانون.

خامساً: تأمين فرص العمل والتشغيل لتمكين الناجيات من تحقيق الرفاه الاقتصادي والاجتماعي لهن.

سادساً: فتح مراكز صحية وتأهيل نفسي للناجيات والعمل على فتح العيادات الصحية داخل العراق وخارجه.

سابعاً: البحث عن المختطفين من الرجال والنساء والاطفال من الأيزيديين والتركمان والمسيحيين والشبك والذين ما يزال مصيرهم مجهولاً بالتنسيق مع الجهات المختصة داخل وخارج العراق وذوي الضحايا ومعالجة أوضاعهم قانونياً ومنحهم الاستحقاقات والتعويضات لهم او لذويهم وفقاً للقوانين ذات الصلة.

ثامناً: التنسيق مع مؤسسة الشهداء/ دائرة شؤون وحماية المقابر الجماعية فيما يتعلق بالمقابر الجماعية لاستكمال كافة الاجراءات المتعلقة بالبحث والتحري وفتح المقابر الجماعية وكشف هوية الرفاة واعادتها الى ذويهم من اجل دفنها بالشكل الذي يليق بتضحياتهم.

تاسعاً: التنسيق مع الهيئات التحقيقية والقضائية واللجان الدولية المعنية بالتحقيق وجمع الأدلة وتزويدهم بكافة الاحصائيات والبيانات والأدلة التي تساهم في توثيق واثبات الجرائم التي ارتكبتها داعش بما يساعد على محاكمة مرتكبي هذه الجرائم.

#### المادة ٦

أولاً: يصرف للناجية والمشمولين باحكام هذا القانون راتب شهري لا يقل عن ضعف الحد الأدنى للراتب التقاعدي المنصوص عليه في قانون التقاعد الموحد رقم (٩) لسنة ٢٠١٤ وتعديلاته.

ثانياً: تمنح الناجيات والمشمولين باحكام هذا القانون قطعة ارض سكنية مع قرض عقاري استثناءً من احكام القوانين وقرار مجلس قيادة الثورة (المنحل) رقم (١٢) لسنة ١٩٨٢ او وحدة سكنية مجاناً.

ثالثاً: يحق للناجية والمشمولين باحكام هذا القانون العودة للدراسة استثناءً من شرط العمر.

رابعاً: تعطى الاولوية في التعيين بالوظائف العامة للناجية والمشمولين باحكام هذا القانون بنسبة (٢%) اثنين من المائة.

#### المادة ٧

أولاً: تعد الجرائم التي ارتكبتها تنظيم داعش ضد الأيزيديين والمكونات الأخرى (التركمان والشبك والمسيحيين) جريمة إبادة جماعية وجرائم ضد الإنسانية.

ثانياً: تتولى وزارة الخارجية بالتنسيق مع المؤسسات الرسمية المختصة التعريف امام المحافل الدولية بالجرائم المذكورة في البند (أولاً) وخاصة المرتكبة ضد الناجيات والمشمولين باحكام هذا القانون.

ثالثاً: تتولى وزارة الخارجية بالتنسيق مع المؤسسات الرسمية المختصة اقامة الدعاوى الجنائية ضد مرتكبي الجرائم في البند (أولاً) والتعاون من اجل تسليم المجرمين بغية محاكمتهم امام المحاكم المختصة.

#### المادة ٨

أولاً: يعد تاريخ (٣/٨) من كل سنة يوماً وطنياً للتعريف بما وقع على الأيزيديين وباقي المكونات من جرائم وتوفر وسائل الاعلام كافة البرامج الخاصة بهذا التاريخ توضح فيه ما قام به تنظيم داعش من تنكيل واختطاف وجرائم عنف جنسي وسبي وتهجير بحققهم.

ثانياً: تتولى وزارة الثقافة وأمانة بغداد والجهات المعنية اتخاذ الاجراءات اللازمة لتخليد الضحايا الأيزيديين والمكونات الأخرى واقامة النصب والتمثيل والمعارض بهذه المناسبة.

#### المادة ٩

أولاً: لا يشمل مرتكبو جريمة اختطاف وسبي الأيزيديين بأي عفو عام او خاص. ثانياً: لا تسقط عن مرتكبي الجرائم المنصوص عليها في البند (أولاً) من هذه المادة العقوبة المقررة قانوناً وتلتزم الجهات القضائية والادارية بمتابعة القبض على الفاعلين والشركاء في ارتكاب تلك الجرائم وتطبيق احكام القانون وتوفير الحماية للشهود والضحايا.

#### المادة ١٠

أولاً: تشكل لجنة للنظر في طلبات الناجيات والفيئات المشمولة بإحكام هذا القانون من قبل وزارة العمل والشؤون الاجتماعية وتتكون من:

- أ. قاضي يرشحه مجلس القضاء الأعلى رئيساً
- ب. مدير عام شؤون الناجيات (وزارة العمل والشؤون الاجتماعية) نائبا للرئيس عضواً
- ج. ممثل عن وزارة الداخلية عضواً
- د. ممثل عن وزارة الصحة عضواً
- هـ. ممثل عن وزارة العدل و. ممثل عن هيئة التقاعد الوطنية عضواً
- ز. ممثل عن المفوضية العليا لحقوق الانسان عضواً
- ح. ممثل عن حكومة اقليم كردستان عضواً

ثانياً: تبت اللجنة في صحة الطلبات المقدمة اليها خلال مدة اقصاها (٩٠) تسعون يوماً من تاريخ استلام الطلب.

ثالثاً: يحق لمقدم الطلب الطعن امام ذات اللجنة في قرارها خلال مدة ثلاثين يوماً من تاريخ صدور القرار من اجل اعادة النظر فيه وفي حال رد الطلب للمرة الثانية يحق لمقدم الطلب الطعن فيه امام محكمة البداية المختصة ويعتبر قرارها باتاً وملزماً.

رابعاً: للجنة فتح نافذة الكترونية لاستلام الطلبات والنظر فيها من داخل العراق وخارجه وتتم المصادقة للشمول بإحكام القانون بعد اجراء المقابلة لمقدم الطلب امام اللجنة المشكلة في البند (أولاً) من هذه المادة، بما يسهل استلام مستحقاتهم وفقاً لاحكام هذا القانون.

خامساً: تكون نسبة النساء في اللجنة المشكلة في البند (أولاً) من هذه المادة لا تقل عن (٣%) ثلاثين من المائة.

سادساً: لا يقل عدد اجتماعات اللجنة المشكلة في البند (أولاً) من هذه المادة عن اجتماعين في الاسبوع.

سابعاً: تعقد اللجنة اجتماعها عند تحقق حضور الاغلبية المطلقة لعضائها. ثامناً: يتم التصويت على الشمول بإحكام القانون من قبل اللجنة بالاغلبية البسيطة وفي حال تساوي الاصوات يرجح الجانب الذي صوت فيه الرئيس.

#### المادة ١١

تعويض الناجيات والمشمولين وفق احكام هذا القانون لا يمنع من تعويضهم بموجب قوانين محلية او قرارات دولية خاصة ذات صلة بهم.

#### المادة ١٢

على مجلس الوزراء اصدار التعليمات لتسهيل تنفيذ احكام هذا القانون خلال مدة لا تتجاوز (٩٠) تسعين يوماً من تاريخ نشره في الجريدة الرسمية.

#### المادة ١٣

ينفذ هذا القانون من تاريخ نشره في الجريدة الرسمية.

#### الاسباب الموجبة

تعد الجرائم التي ارتكبتها تنظيم داعش ضد الايزيديين وباقي المكونات من (المسيحيين والتركمان والشبك) جريمة ابادة جماعية وجرائم ضد الانسانية ونظراً لما افرزته هذه الجرائم من اضرار جسدية ونفسية واجتماعية ومادية على كافة الضحايا خاصة من النساء والاطفال وبغية معالجة هذه الاضرار والاثار السلبية المترتبة عليها ومن اجل منح الحقوق اللازمة للناجيات والمشمولين باحكام هذا القانون واعادة تأهيلهم ودمجهم في المجتمع وكجبر ضرر

وتعويض لما لحق بهم وبالناجيات منهن على وجه الخصوص و حمايتهم وحماية مناطقهم،

سُرع هذا القانون.



ANNEX II – YAZIDI SURVIVORS<sup>27</sup> LAW (ENGLISH TRANSLATION)<sup>28</sup>

## Article 1

For the purpose of this law, the following terms shall be defined as follows:

**First** – Survivor: Every woman or girl who was subjected to crimes of sexual violence by ISIS since 3/8/2014 and was freed afterwards. Crimes of sexual violence may have included or resulted from kidnapping, sexual slavery, human trafficking, family separation, forced conversion, forced marriage, pregnancy and forced abortion or physical and psychological harm.

**Second** – The Directorate: The General Directorate of Yazidi Survivors' Affairs.

## Article 2

The provisions of this law apply to:

**First** – Every Yazidi Survivor kidnapped by ISIS who has been freed.

**Second** – Women and girls from the Turkmen, Christian, and Shabak factions

who were subjected to the same crimes mentioned in Article 1 (First) of this law.

**Third** – Yazidi child survivors (regardless of gender) who were under the age of eighteen at the time of their kidnapping.

**Fourth:** Yazidi, Turkmen, Christian, and Shabak persons, regardless of gender, who survived the mass killings carried out by ISIS in their regions.

## Article 3

**First** – A General Directorate shall be established to look after survivors' affairs. It shall be affiliated with the Ministry of Labor and Social Affairs and its headquarters will be in Nineveh Governorate. The General Directorate shall, when necessary, have the right to open branches in the areas where survivors are present.

**Second** – The General Directorate stipulated in the first clause of this article will be managed by a Director General. The position

<sup>27</sup> Following IOM's translation of the YSL text from Arabic to English, the term *female* is put between bracket to mean that while the term is not mentioned per se in the original text of the law, it is used in this translation to replace the suffix added to the term survivors in the Arabic text, to refer to female (women, girls) survivors. This revised version by FGO chooses to translate the Arabic word *najiyat* as *survivor* rather than *[female] survivor* to minimize confusion for English-speaking audiences. However, the importance of gender to this law is not to be overlooked. Unless otherwise specified, *survivor* should be understood by the gendered definition provided in Article 1. Please find further information on the translation process in footnote 16.

<sup>28</sup> This translation is based on the English translation of the YSL published by IOM (Revised Version: 24.03.2021) but edited wherever the FGO teams in Europe saw e.g., the need for terminological changes to further improved readability and clarity (27.11.2022). Please find the English translation published by IOM here: <https://c4jr.org/wp-content/uploads/2022/01/Yazidi-Female-Survivors-Law-March-24-2021.pdf> (Accessed 15.01.2023). FGO's English translation of the law does not lead to any legal claims against FGO and shall incur no legal liability by FGO but is meant for information purposes only.

will be filled by a Yazidi person who holds at least a first university degree in the field of law or administration, and who has experience of no less than ten years in his or her field. The Director General shall be appointed by the Council of Ministers.

#### Article 4

This law aims to:

**First** – Compensate the survivors and others covered by the provisions of this law financially and mentally, and to secure a decent life for them.

**Second** – Rehabilitate and take care of survivors and others covered by the provisions of this law and to provide the means necessary for them to integrate into society, and to prevent the recurrence of the violations that occurred against them.

#### Article 5

The Directorate will undertake the following activities to achieve its goals:

**First** – Collecting and processing of data from survivors and others included in the provisions of this law based on information issued by governmental and non-governmental institutions working in this field.

**Second** – Providing the necessary care for survivors and groups covered by the provisions of this law.

**Third** – Coordinating with all government institutions as well as local and international organizations in order to support survivors

and groups covered by the provisions of this law.

**Fourth** – Providing educational opportunities for survivors and their children.

**Fifth** – Securing employment opportunities to enable survivors to achieve economic and social well-being.

**Sixth** – Opening health and psychological rehabilitation centres to treat survivors, and working to open health clinics inside and outside Iraq.

**Seventh** – Searching for kidnapped Yazidi, Turkmen, Christian, and Shabak men, women and children, whose fate is still unknown. This work shall be done in coordination with the competent authorities inside and outside Iraq and the victims' families. Their cases will be processed legally and they or their families will be granted benefits and compensation in accordance with the relevant laws.

**Eighth** – Coordinating with the Martyrs Foundation / Department of Mass Graves' Affairs and Protection in relation to mass graves to complete all procedures related to searching and investigating, opening mass graves, revealing the identity of the remains and returning them to their families so that they can be buried them in a manner befitting their sacrifices.

**Ninth** – Coordinating with investigative and judicial bodies and international committees concerned with investigation and gathering evidence, and providing them with all

statistics, data and evidence that contribute to documenting and establishing crimes committed by ISIS in a way that helps prosecute the perpetrators of these crimes.

#### Article 6

**First** – Survivors and others covered by the provisions of this law shall be given a monthly salary that shall not be less than twice the minimum reparations salary stipulated in the Unified Pension Law No. 9 of 2014 and its amendments.

**Second** – Survivors and others covered by the provisions of this law shall be granted a residential plot of land with a mortgage that is exempted from the provisions of laws and decisions of the (dissolved) Revolutionary Command Council no 120 of 1982. Alternatively, a survivor or other person covered by the provisions of this law may be granted a free housing unit.

**Third** – Survivors and those covered by the provisions of this law have the right to return to their studies and shall be exempted from the age requirement.

**Fourth** – Survivors and those covered by the provisions of this law shall be given a priority to public employment at a rate of 2%.

#### Article 7

**First** – Crimes committed by ISIS against the Yazidis and other groups (Turkmen, Christians and Shabak) shall be considered crimes of genocide and crimes against humanity.

**Second** – The Ministry of Foreign Affairs, in coordination with the relevant official institutions, undertakes to acknowledge the crimes mentioned in the first paragraph in international forums, in particular the crimes committed against survivors and others covered by the provisions of this law.

**Third** – The Ministry of Foreign Affairs, in coordination with the relevant official institutions, shall initiate criminal proceedings against the perpetrators of the crimes in the first clause, and cooperate for the extradition of criminals so that they may be tried before the competent courts.

#### Article 8

**First** – The 3rd of August of each year shall be considered a national day to acknowledge the crimes committed against the Yazidis and other groups. The media shall provide all programs for this date, which will explain the abuse, kidnapping, sexual violence, captivity and displacement committed by ISIS.

**Second** – The Ministry of Culture, Baghdad Municipality and the concerned authorities shall take the necessary measures to commemorate the Yazidi victims and victims from other groups, and to build monuments, statues and exhibitions on this occasion.

#### Article 9

**First** – The perpetrators of the crimes of kidnapping and captivity of Yazidis shall not be included in any general or special amnesty.

**Second** – Punishment prescribed by law for perpetrators of the crimes mentioned in the first clause of this article shall not be dropped, and the judicial and administrative authorities are obligated to follow up to arrest the perpetrators and accomplices in committing these crimes, as well as implementing the provisions of the law and provide protection for witnesses and victims.

#### Article 10

**First** – A committee shall be formed by the Ministry of Labor and Social Affairs to consider the application of survivors and groups covered by the provisions of this law, and it shall consist of

1. a judge nominated by the Supreme Judicial Council, Chairman
2. Director-General of Women Survivors' Affairs (MOLSA), Vice President
3. A representative of the Ministry of Interior, Member
4. A representative of the Ministry of Health, Member
5. A representative of the Ministry of Justice, Member
6. A representative of the National Retirement Authority, Member
7. A representative of the High Commission for Human Rights, Member
8. A representative of the Kurdistan Regional Government, Member

**Second** – The committee decides on the validity of the applications submitted to it within a period of maximum 90 days from the date the request is received.

**Third** – The applicant has the right to appeal a decision to the same committee within a period of 30 days from the date of issue of the decision. If the application is once again rejected, the applicant can appeal the decision before the court of first instance, and its decision shall be final and binding.

**Fourth** – The committee shall open an electronic platform to receive and review applications from inside and outside Iraq. The verification of coverage by the provisions of the law will take place after an interview is conducted with the applicant before the committee that was formed in the first clause of this article. This will facilitate the receipt of entitlements according to this law.

**Fifth** – The committee to be formed in the first clause of this article shall consist of at least 30% women.

**Sixth** – The committee formed in the first clause of this article shall meet at least twice per week.

**Seventh** – An absolute majority of committee members will be required to convene a meeting of the committee.

**Eighth** – The decision to grant coverage by the provisions of the law shall be voted on by a simple majority. In the event of a tie, the side on which the chairman votes will prevail.

#### Article 11

Compensation for survivors and others included in the provisions of this law does not prevent them from receiving compensations according to local laws or special international decisions related to them.

#### Article 12

The Council of Ministers shall issue instructions to facilitate the implementation of the provisions of this law within 90 days from the date of its publication in the Official Gazette.

#### Article 13

This law shall be enacted from the date of its publication in the Official Gazette.

#### The Rationale

Crimes committed by ISIS against the Yazidis and other groups (Christians, Turkmen and Shabak), shall be considered genocide crimes and crimes against humanity, and given the physical, psychological, social and material damage that these crimes have caused for all victims, especially women and children, and with the aim of addressing these damages and the negative effects resulting from them and granting the necessary rights for survivors and others covered by the provisions of this law, their rehabilitation and reintegration into society, and as reparations and compensation for what happened to them, and survivors in particular, and to protect them and their areas.

This law is promulgated.

## ANNEX III – GESETZ FÜR JESIDISCHE ÜBERLEBENDE<sup>29</sup> (GERMAN TRANSLATION)<sup>30</sup>

### Artikel 1

Im Rahmen dieses Gesetzes werden die folgenden Begriffe wie folgt definiert:

**Erstens** – Überlebende: Jede Frau oder jedes Mädchen, die oder das seit dem 03.08.2014 von den durch ISIS begangenen Verbrechen sexueller Gewalt betroffen war und danach befreit wurde. Sexuelle Gewalttaten können Entführung, sexuelle Versklavung, Menschenhandel, die Trennung von Familien, Zwangskonvertierung, Zwangsverheiratung, Schwangerschaft und erzwungene Abtreibung oder physische und psychische Schäden beinhalten oder daraus resultieren.

**Zweitens** – Das Direktorat: Die Generaldirektion für die Angelegenheiten jesidischer Überlebender.

### Artikel 2

Die Bestimmungen des Gesetzes gelten für:

**Erstens** – Alle von ISIS entführten und befreiten jesidischen Überlebenden.

**Zweitens** – Frauen und Mädchen der turkmenischen, christlichen und Shabak Gemeinschaften, die den Gleichen Verbrechen wie in Artikel 1 (Erstens) dieses Gesetzes ausgesetzt waren.

**Drittens** – Überlebende jesidische Kinder (unabhängig von ihrem Geschlecht), die zum Zeitpunkt ihrer Entführung noch keine achtzehn Jahre alt waren.

**Viertens** – Personen, die den jesidischen, turkmenischen, christlichen oder Shabak Gemeinschaften angehören, unabhängig von ihrem Geschlecht, und die die von ISIS in ihren Regionen verübten Massentötungen überlebt haben.

### Artikel 3

**Erstens** – Es wird eine Generaldirektion eingerichtet, die sich um die Angelegenheiten der Überlebenden kümmert. Sie ist dem Ministerium für Arbeit und soziale Angelegenheiten unterstellt und hat ihren Sitz im Gouvernement Ninive. Die

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<sup>29</sup> Following IOM's translation of the YSL text from Arabic to English, the term *female* is put between brackets to mean that while the term is not mentioned per se in the original text of the law, it is used in this translation to replace the suffix added to the term survivors in the Arabic text, to refer to female (women, girls) survivors. This German translation by FGO chooses to translate the Arabic word *najyyat* as *survivor* rather than *[female] survivor* to minimize confusion for German-speaking audiences. However, the importance of gender to this law is not to be overlooked. Unless otherwise specified, *survivor* should be understood by the gendered definition provided in Article 1. Please find further information on the translation process in footnote 18.

<sup>30</sup> This translation is based on the Arabic original of the YSL and the FGO translation of the law to English (15.01.2023). FGO's German translation of the law does not lead to any legal claims against FGO and shall incur no legal liability by FGO but is meant for information purposes only.

Generaldirektion hat das Recht, bei Bedarf Zweigstellen in den Gebieten zu eröffnen, in denen sich Überlebende aufhalten.

**Zweitens** – Die in der ersten Klausel dieses Artikels vorgesehene Generaldirektion wird von einer\*m Generaldirektor\*in geleitet. Die Position wird mit einer jesidischen Person besetzt, die mindestens einen Hochschulabschluss in den Feldern Rechtswissenschaft oder Verwaltung besitzt und über eine mindestens zehnjährige Erfahrung in ihrem oder seinem Feld. Die Ernennung der oder des Generaldirektors\*in erfolgt durch den Ministerrat.

#### Artikel 4

Dieses Gesetz hat folgende Ziele:

**Erstens** – Die Überlebenden und andere Personen, die unter die Bestimmungen dieses Gesetzes fallen, finanziell und psychisch zu entschädigen und ihnen ein menschenwürdiges Leben zu garantieren.

**Zweitens** – Die Rehabilitation und Versorgung von Überlebenden und anderen Personen, die unter die Bestimmungen dieses Gesetzes fallen, sowie die Bereitstellung der erforderlichen Mittel für ihre Integration in die Gesellschaft und die Verhinderung der Wiederholung der ihnen zugefügten Gewalttaten.

#### Artikel 5

Um ihre Ziele zu erreichen, wird die Direktion folgende Aktivitäten umsetzen:

**Erstens** – Die Sammlung und Verarbeitung von Daten von Überlebenden und anderen

Personen, die unter die Bestimmungen dieses Gesetzes fallen, auf Basis von Informationen, die von staatlichen und nichtstaatlichen Einrichtungen, die in diesem Bereich tätig sind, bereitgestellt werden.

**Zweitens** – Die Bereitstellung der notwendigen Versorgung von Überlebenden und Gruppen, die unter die Bestimmungen dieses Gesetzes fallen.

**Drittens** – Die Koordination mit allen staatlichen Institutionen sowie lokalen und internationalen Organisationen, um Überlebende und Gruppen, die unter die Bestimmungen dieses Gesetzes fallen, zu unterstützen.

**Viertens** – Die Bereitstellung von Bildungsmöglichkeiten für Überlebende und ihre Kinder.

**Fünftens** – Die Sicherung von Beschäftigungsmöglichkeiten, um den Überlebenden wirtschaftliches und soziales Wohlergehen zu garantieren.

**Sechstens** – Die Eröffnung von Gesundheits- und psychologischen Rehabilitationszentren zur Behandlung von Überlebenden und der Aufbau von Gesundheitskliniken innerhalb und außerhalb des Iraks.

**Siebtens** – Die Suche nach entführten jesidischen, turkmenischen, christlichen und Shabak Männern, Frauen und Kindern, deren Schicksal noch unbekannt ist. Diese Arbeit erfolgt in Abstimmung mit den zuständigen Behörden innerhalb und außerhalb des Irak und den Familien der



Opfer. Ihre Fälle werden rechtlich aufgearbeitet und sie oder ihre Familien erhalten Leistungen und Entschädigungen gemäß den einschlägigen Gesetzen.

**Achtens** – Die Koordinierung mit der Märtyrerstiftung/ der Abteilung für Angelegenheiten und den Schutz von Massengräbern, um alle Verfahren im Zusammenhang mit der Suche und Untersuchung, der Öffnung von Massengräbern, der Feststellung der Identität der sterblichen Überreste und ihrer Rückgabe an die Familien der Verstorbenen abzuschließen, damit sie in einer Weise bestattet werden können, die ihrem Verlust gerecht wird.

**Neuntens** – Die Koordinierung mit Ermittlungs- und Justizbehörden und internationalen Gremien, die mit der Untersuchung und Beweissammlung befasst sind, und der Bereitstellung aller Statistiken, Daten und Beweise, die dazu beitragen, die von ISIS begangenen Verbrechen zu dokumentieren und nachzuweisen, um die Verfolgung der Täter\*innen dieser Verbrechen zu unterstützen.

#### Artikel 6

**Erstens** – Überlebende und andere Personen, die unter die Bestimmungen dieses Gesetzes fallen, erhalten eine monatliche Entschädigungssumme, die nicht weniger als das Doppelte des im Einheitlichen Rentengesetz Nr. 9 von 2014 und seinen Änderungen festgelegten Mindestrentengehalts beträgt.

**Zweitens** – Überlebende und andere Personen, die unter die Bestimmungen dieses Gesetzes fallen, erhalten ein mit einer Hypothek belastetes Wohngrundstück, das von den Bestimmungen der Gesetze und Beschlüsse des (aufgelösten) Revolutionären Kommandorats Nr. 120 von 1982 ausgenommen ist. Alternativ kann einer\*m Überlebenden oder einer anderen Person, die unter die Bestimmungen dieses Gesetzes fällt, eine kostenlose Wohneinheit gewährt werden.

**Drittens** – Überlebende und Personen, die unter die Bestimmungen dieses Gesetzes fallen, haben das Recht, ihr(e) (Aus)Bildung wieder aufzunehmen und sind von der Altersgrenze befreit.

**Viertens** – Überlebende und Personen, die unter die Bestimmungen dieses Gesetzes fallen, werden bei der Einstellung in den öffentlichen Dienst zu einem Prozentsatz von 2% bevorzugt behandelt.

#### Artikel 7

**Erstens** – Die von ISIS an den Jesid\*innen und anderen Gruppen (Turkmen\*innen, Christ\*innen und Shabak) begangenen Verbrechen werden als Völkermord und Verbrechen gegen die Menschlichkeit betrachtet.

**Zweitens** – Das Ministerium für Auswärtige Angelegenheiten verpflichtet sich in Abstimmung mit den zuständigen amtlichen Stellen, die im ersten Absatz genannten Verbrechen in internationalen Foren anzuerkennen, insbesondere die

Verbrechen, die an Überlebenden und anderen Personen begangen wurden, die unter die Bestimmungen dieses Gesetzes fallen.

**Drittens** – Das Ministerium für Auswärtige Angelegenheiten leitet in Abstimmung mit den zuständigen amtlichen Stellen Strafverfahren gegen die Täter\*innen der in im ersten Absatz genannten Verbrechen ein und wirkt auf die Auslieferung von Straftäter\*innen hin, damit diese vor die zuständigen Gerichte gestellt werden können.

#### Artikel 8

**Erstens** – Der 3. August eines jeden Jahres soll als nationaler Gedenktag für die Verbrechen an den Jesid\*innen und anderer Gruppen begangen werden. Die Medien sollen alle Programme für diesen Gedenktag zur Verfügung stellen, die über den Missbrauch, die Entführung, die sexuelle Gewalt, die Gefangenschaft und die Vertreibung durch ISIS aufklären werden.

**Zweitens** – Das Ministerium für Kultur, die Stadtverwaltung von Bagdad und die betroffenen Behörden ergreifen die erforderlichen Maßnahmen, um der jesidischen Opfer und der Opfer anderer Gruppen zu gedenken und zu diesem Anlass Denkmäler, Statuen und Ausstellungen zu errichten.

#### Artikel 9

**Erstens** – Die Täter\*innen, die die Verbrechen der Entführung und

Gefangenschaft von Jesid\*innen begangen haben, dürfen in keine allgemeine oder besondere Amnestie einbezogen werden.

**Zweitens** – Die gesetzlich vorgesehene Strafe für die Täter\*innen der in der ersten Klausel dieses Artikels genannten Verbrechen darf nicht ausgesetzt werden, und die Justiz- und Verwaltungsbehörden sind verpflichtet, die Verhaftung der Täter\*innen und Mittäter\*innen bei der Begehung dieser Verbrechen zu verfolgen, sowie die gesetzlichen Bestimmungen umzusetzen und Zeug\*innen und Opfer zu schützen.

#### Artikel 10

**Erstens** – Das Ministerium für Arbeit und Soziales setzt einen Ausschuss ein, der sich mit der Anwendung der Bestimmungen dieses Gesetzes auf Überlebende und Gruppen, die unter die Bestimmungen dieses Gesetzes fallen, befasst. Er besteht aus folgenden Mitgliedern:

1. ein vom Obersten Justizrat ernannte\*r Richter\*in, Vorsitz
2. Generaldirektorin für die Angelegenheiten von Überlebenden (MOLSA), Vizepräsidentin
3. Ein\*e Vertreter\*in des Innenministeriums, Mitglied
4. Ein\*e Vertreter\*in des Gesundheitsministeriums, Mitglied
5. Ein\*e Vertreter\*in des Justizministeriums, Mitglied
6. Ein\*e Vertreter\*in der Nationalen Rentenbehörde, Mitglied

7. Ein\*e Vertreter\*in der Hohen Kommission für Menschenrechte, Mitglied
8. Ein\*e Vertreter\*in der Regionalregierung von Kurdistan, Mitglied

**Zweitens** – Der Ausschuss entscheidet über die Anerkennung der vorgelegten Anträge innerhalb einer Frist von höchstens 90 Tagen ab dem Datum des Eingangs des Antrags.

**Drittens** – Der oder die Antragsteller\*in hat das Recht, innerhalb einer Frist von 30 Tagen nach Erlass der Entscheidung bei demselben Ausschuss Berufung einzulegen. Wird der Antrag erneut abgelehnt, kann der oder die Antragsteller\*in die Entscheidung vor dem erstinstanzlichen Gericht anfechten, dessen Entscheidung endgültig und verbindlich ist.

**Viertens** – Der Ausschuss eröffnet eine elektronische Plattform zur Entgegennahme und Prüfung von Anträgen aus dem In- und Ausland. Die Überprüfung, ob die Bestimmungen des Gesetzes erfüllt sind, erfolgt nach einem Interview mit der oder dem Antragsteller\*in vor dem Ausschuss, der gemäß dem ersten Satz dieses Artikels gebildet wurde. Dies wird den Erhalt von Ansprüchen nach diesem Gesetz erleichtern.

**Fünftens** – Der gemäß dem ersten Absatz dieses Artikels zu bildende Ausschuss muss zu mindestens 30% aus Frauen bestehen.

**Sechstens** – Der gemäß des ersten Absatzes dieses Artikels gebildete Ausschuss tritt mindestens zweimal pro Woche zusammen.

**Siebtens** – Zur Einberufung einer Ausschusssitzung ist die absolute Mehrheit der Ausschussmitglieder erforderlich..

**Achtens** – Die Entscheidung über die Gewährung der gesetzlichen Bestimmungen wird mit einfacher Mehrheit getroffen. Bei Stimmgleichheit gibt die Seite den Ausschlag, für die der oder die Vorsitzende stimmt.

#### Artikel 11

Die Entschädigung von Überlebenden und anderen Personen, die unter die Bestimmungen dieses Gesetzes fallen, schließt nicht aus, dass sie gemäß der lokalen Gesetze oder besonderer internationaler Beschlüsse, die sie betreffen, entschädigt werden.

#### Artikel 12

Der Ministerrat erlässt innerhalb von 90 Tagen nach der Veröffentlichung dieses Gesetzes im Amtsblatt Anweisungen zur Umsetzung der Implementierung der Bestimmungen dieses Gesetzes.

#### Artikel 13

Dieses Gesetz tritt am Tag seiner Veröffentlichung im Amtsblatt in Kraft.

#### Die Begründung

Die von ISIS an den Jesid\*innen und anderen Gruppen (Christ\*innen, Turkem\*innen und Shabak) begangenen Verbrechen sind als Völkermord und Verbrechen gegen die Menschlichkeit zu betrachten, und angesichts der physischen, psychologischen,

sozialen und materiellen Schäden, die diese Verbrechen bei allen Opfern, insbesondere bei Frauen und Kindern, verursacht haben, und mit dem Ziel, diese Schäden und die sich daraus ergebenden negative Auswirkungen zu beheben und den Überlebenden und anderen unter die Bestimmungen dieses Gesetzes fallenden Personen die notwendigen Rechte zu gewähren, ihre Rehabilitation und Wiedereingliederung in die Gesellschaft sowie Wiedergutmachung und Entschädigung für das, was ihnen und insbesondere den Überlebenden widerfahren ist, zu gewährleisten und sie und ihre Gebiete zu schützen.

ANNEX IV – YAZIDI SURVIVORS<sup>31</sup> LAW (FRENCH TRANSLATION)<sup>32</sup>

## Article 1

Aux fins de la présente loi, les termes suivants sont définis comme suit :

**Première** – Survivante : Toute femme ou fille qui a été victime de crimes de violence sexuelle par l'État islamique (ISIS) depuis le 08/03/2014 et qui a été libérée par la suite. Les crimes de violence sexuelle peuvent inclure ou résultant d'un enlèvement, d'un esclavage sexuel, d'un trafic d'êtres humains, d'une séparation familiale, d'une conversion forcée, d'un mariage forcé, d'une grossesse et d'un avortement forcé ou de dommages physiques et psychologiques.

**Deuxièmement** – La Direction : La Direction générale des affaires des rescapés Yezidis.

## Article 2

Les dispositions de la présente loi s'appliquent :

**Première** – Chaque survivant Yézidi kidnappé par l'État islamique (ISIS) qui a été libéré.

**Deuxièmement** – Femmes et filles des factions Turkmène, Chrétienne et Shabak qui ont été soumis aux mêmes crimes mentionnés à l'article 1 (Première) de la présente loi.

**Troisièmement** – Les enfants survivants Yézidis (quel que soit leur sexe) qui avaient moins de dix-huit ans au moment de leur enlèvement.

**Quatrièmement** – Les Yézidis, les Turkmènes, les Chrétiens et les Shabak, quel que soit leur sexe, qui ont survécu aux massacres perpétrés par l'État islamique dans leurs régions.

## Article 3

**Première** – Une direction générale doit être mis en place pour s'occuper des affaires des survivants. Elle sera rattachée au Ministère du travail et des affaires sociales et son siège sera dans le gouvernorat de Ninive. La Direction générale aura, le cas échéant, le

<sup>31</sup> Following IOM's translation of the YSL text from Arabic to English, the term *female* is put between bracket to mean that while the term is not mentioned per se in the original text of the law, it is used in this translation to replace the suffix added to the term survivors in the Arabic text, to refer to female (women, girls) survivors. This French translation by FGO chooses to translate the Arabic word *najiyyat* as *survivor* rather than *[female] survivor* to minimize confusion for French-speaking audiences. However, the importance of gender to this law is not to be overlooked. Unless otherwise specified, *survivor* should be understood by the gendered definition provided in Article 1. Please find further information on the translation process in footnote 20.

<sup>32</sup> This translation is based on the Arabic original of the YSL and the FGO translation of the law to English (15.01.2023). FGO expresses its deep gratitude to Elisa Leimgruber and Gwenaëlle Poulet for their French translation support. FGO's French translation of the law does not lead to any legal claims against FGO and shall incur no legal liability by FGO but is meant for information purposes only.

droit d'ouvrir des succursales dans les zones où se trouvent des rescapés.

**Deuxièmement** – La direction générale prévue au premier alinéa de cet article sera dirigée par un directeur général. La position sera pourvue par une personne Yézidie titulaire d'au moins un premier diplôme universitaire dans le domaine du droit ou de l'administration et ayant une expérience d'au moins dix ans dans son domaine. Le directeur général est nommé par le Conseil des ministres.

#### Article 4

Cette loi vise à :

**Première** – Indemniser financièrement et mentalement les survivants et autres personnes couvertes par les dispositions de cette loi, et leur assurer une vie décente.

**Deuxièmement** – Réhabiliter et prendre en charge les rescapés et les autres personnes couvertes par les dispositions de cette loi et leur fournir les moyens nécessaires pour leur intégration dans la société et prévenir la répétition des violations commises à leur encontre.

#### Article 5

La Direction entreprendra les activités suivantes pour atteindre ses objectifs :

**Première** – Collecte et traitement des données des survivants et autres personnes visées par les dispositions de la présente loi sur la base des informations fournies par les institutions gouvernementales et non

gouvernementales travaillant dans ce domaine.

**Deuxièmement** – Fournir les soins nécessaires aux survivants et aux groupes couverts par les dispositions de cette loi.

**Troisièmement** – Coordonner avec toutes les institutions gouvernementales ainsi qu'avec les organisations locales et internationales afin de soutenir les survivants et les groupes couverts par les dispositions de cette loi.

**Quatrièmement** – Offrir des possibilités d'éducation aux survivants et à leurs enfants.

**Cinquièmement** – Sécuriser les opportunités d'emploi pour permettre aux survivants d'atteindre le bien-être économique et social.

**Sixièmement** – Ouvrir des centres de santé et de réadaptation psychologique pour soigner les survivants et travailler à l'ouverture de cliniques de santé à l'intérieur et à l'extérieur de l'Irak.

**Septièmement** – Recherche d'hommes, de femmes et d'enfants Yézidis, Turkmènes, Chrétiens et Shabak enlevés, dont le sort est encore inconnu. Ce travail doit être effectué en coordination avec les autorités compétentes à l'intérieur et à l'extérieur de l'Irak et les familles des victimes. Leurs cas seront traités légalement résultant aux bénéfices d'avantages et d'indemnisation conformément aux lois en vigueur pour eux-mêmes ou leurs.

**Huitième** – Coordonner avec la Fondation des martyrs / Département des affaires et de la protection des charniers en ce qui concerne les charniers pour mener à bien toutes les procédures liées à la recherche et à l'enquête, à l'ouverture des charniers, à la révélation de l'identité des restes et à leur restitution à leurs familles afin qu'ils puissent être enterrés d'une manière digne de leurs sacrifices.

**Neuvièmement** – Coordonner avec les organes d'enquête et judiciaires et les comités internationaux concernés par les enquêtes et la collecte de preuves, et leur fournir toutes les statistiques, données et preuves qui contribuent à documenter et à établir les crimes commis par l'État islamique d'une manière qui aide à poursuivre les auteurs de ces crimes.

#### Article 6

**Premièrement** – Les survivants et les autres personnes couvertes par les dispositions de la présente loi reçoivent un salaire mensuel qui ne doit pas être inférieur à deux fois le salaire de réparation minimum stipulé dans la loi unifiée sur les pensions n° 9 de 2014 et ses amendements.

**Deuxièmement** – Les survivants et les autres personnes couvertes par les dispositions de cette loi se verront accorder un terrain résidentiel avec une hypothèque exemptée des dispositions des lois et des décisions du Conseil de commandement révolutionnaire (dissous) n ° 120 de 1982. Alternativement, un survivant ou toute autre personne visée

par les dispositions de la présente loi peut bénéficier d'un logement gratuit.

**Troisièmement** – Les survivants et les personnes visées par les dispositions de la présente loi ont le droit de reprendre leurs études et sont dispensés de la condition d'âge.

**Quatrièmement** – Les survivants et les personnes couvertes par les dispositions de la présente loi bénéficient d'une priorité à l'emploi public au taux de 2 %.

#### Article 7

**Premièrement** – Les crimes commis par l'État islamique contre les Yézidites et d'autres groupes (Turkmènes, Chrétiens et Shabak) seront considérés comme des crimes de génocide et des crimes contre l'humanité.

**Deuxièmement** – Le ministère des Affaires étrangères, en coordination avec les institutions officielles compétentes, s'engage à reconnaître les crimes mentionnés au premier alinéa dans les instances internationales, en particulier les crimes commis contre les rescapés et autres visés par les dispositions de la présente loi.

**Troisièmement** – Le ministère des Affaires étrangères, en coordination avec les institutions officielles compétentes, engagera des poursuites pénales contre les auteurs des crimes de la première clause et coopérera pour l'extradition des criminels afin qu'ils puissent être jugés devant les tribunaux compétents.



**Article 8**

**Premièrement** – Le 3 août de chaque année sera considéré comme une journée nationale pour reconnaître les crimes commis contre les Yézidis et d'autres groupes. Les médias fourniront tous les programmes pour cette date, qui expliqueront les abus, les enlèvements, les violences sexuelles, la captivité et le déplacement commis par l'État islamique.

**Deuxièmement** – Le ministère de la Culture, la municipalité de Bagdad et les autorités concernées prendront les mesures nécessaires pour commémorer les victimes Yézidies et les victimes d'autres groupes, et pour construire des monuments, des statues et des expositions à cette occasion.

**Article 9**

**Premièrement** – Les auteurs des crimes d'enlèvement et de captivité de Yézidies ne seront inclus dans aucune amnistie générale ou spéciale.

**Deuxièmement** – Les peines prévues par la loi pour les auteurs des crimes mentionnés au premier alinéa du présent article ne seront pas abandonnées et les autorités judiciaires et administratives sont tenues d'assurer un suivi pour arrêter les auteurs et les complices de ces crimes, ainsi que de mettre en œuvre les dispositions de la loi et assurer la protection des témoins et des victimes.

**Article 10**

**Premièrement** – Un comité est formé par le ministère du Travail et des Affaires sociales pour examiner la demande des survivants et des groupes couverts par les dispositions de la présente loi, et il est composé de

1. Un juge nommé par le Conseil supérieur de la magistrature, Président
2. Directrice générale des affaires des femmes survivantes (MOLSA), Vice-présidente
3. Un représentant du ministère de l'Intérieur, Membre
4. Un représentant du ministère de la Santé, Membre
5. Un représentant du ministère de la Justice, Membre
6. Un représentant de l'Autorité nationale des retraites, Membre
7. Un représentant du Haut-Commissariat aux droits de l'homme, Membre
8. Un représentant du gouvernement régional du Kurdistan, Membre

**Deuxièmement** – Le comité statue sur la validité des demandes qui lui sont soumises dans un délai de maximum 90 jours à compter de la date de réception de la demande.

**Troisièmement** – Le demandeur a le droit de faire appel d'une décision auprès de la même commission dans un délai de 30 jours à compter de la date d'émission de la décision. Si la demande est à nouveau rejetée, le demandeur peut faire appel de la

décision devant le tribunal de première instance, et sa décision est définitive et exécutoire.

**Quatrièmement** – Le comité ouvrira une plate-forme électronique pour recevoir et examiner les candidatures de l'intérieur et de l'extérieur de l'Irak. La vérification de la couverture par les dispositions de la loi aura lieu après un entretien avec le demandeur devant le comité qui a été formé dans la première clause de cet article. Cela facilitera la réception des droits conformément à cette loi.

**Cinquième** – Le comité à former dans la première clause de cet article doit être composé d'au moins 30% de femmes.

**Sixième** – Le comité formé au premier alinéa du présent article se réunit au moins deux fois par semaine.

**Septièmement** – Une majorité absolue des membres du comité sera requise pour convoquer une réunion du comité.

**Huitième** – La décision d'accorder la couverture par les dispositions de la loi est voté à la majorité simple. En cas d'égalité, le camp pour lequel vote le président prévaudra.

#### Article 11

L'indemnisation des survivants et d'autres personnes incluses dans les dispositions de cette loi ne les empêche pas de recevoir des indemnisations conformément aux lois locales ou aux décisions internationales spéciales les concernant.

#### Article 12

Le Conseil des ministres émet des instructions pour faciliter la mise en œuvre des dispositions de la présente loi dans les 90 jours à compter de la date de sa publication au Journal officiel.

#### Article 13

La présente loi est promulguée à compter de la date de sa publication au Journal officiel.

#### La Justification :

Les crimes commis par l'État islamique contre les Yézidis et d'autres groupes (chrétiens, Turkmènes et Shabak) doivent être considérés comme des crimes de génocide et des crimes contre l'humanité. Compte tenu des dommages physiques, psychologiques, sociaux et matériels que ces crimes ont causés à toutes les victimes, en particulier aux femmes et aux enfants, et dans le but de remédier à ces dommages et aux effets négatifs résultant et d'accorder les droits nécessaires aux survivants et aux autres personnes couvertes par les dispositions de la présente loi, leur réhabilitation et leur réintégration dans la société, et à titre de réparation et de compensation pour ce qui s'est passé pour eux, et les survivants en particulier, et pour les protéger, eux et leurs régions.

Cette loi est promulguée.

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