



STRENGTHENING IMPLEMENTATION OF THE YAZIDI [FEMALE] SURVIVORS LAW:

Recommendations Based on International and Comparative Best Practices

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LIST OF ABBREVIATIONS

Bosnia	Bosnia and Herzegovina
C4JR	Coalition for Just Reparations
CAR	Central African Republic
Congo	Democratic Republic of the Congo
CRSV	Conflict-Related Sexual Violence
CSO	Civil Society Organization
GDSA	General Directorate for the Care of Survivors' Affairs
GSTJ	Gender Sensitive Transitional Justice Program
IDP	Internally Displaced Person
IIM	International, Impartial and Independent Mechanism
INGO	International Non-Governmental Organization
IOM	International Organization for Migration
ISIL	Islamic State of Iraq and the Levant
KRCT	Kosova Rehabilitation Center for Torture Victims
MARA	Monitoring, Analysis, and Reporting Arrangements
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MHPSS	Mental Health and Psychosocial Support
MONUSCO	UN Organization Stabilization Mission in the Democratic Republic of the Congo
MSF	Médecins Sans Frontieres
MTM	Mujeres Transformando el Mundo
NGO	Non-Governmental Organization
OHCHR	United Nations Office of the High Commissioner for Human Rights
TVET	Technical and Vocational Education Training
UN	United Nations
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNMIK	United Nations Mission in Kosovo
UNSOM	United Nations Assistance Mission in Somalia
YSL	Yazidi Survivors Law

I. EXECUTIVE SUMMARY AND RECOMMENDATIONS

On August 3, 2014, and in the years that followed, the Islamic State of Iraq and the Levant (“ISIL”) committed genocidal attacks against the Yazidi and other minority populations in Iraq.¹ These attacks included conflict-related sexual violence (“CRSV”).² Although ISIL ultimately lost its military in Iraq in 2019,³ CRSV survivors face numerous physical health, mental health, and social challenges.⁴ On March 1, 2021, the Government of Iraq enacted the Yazidi Female Survivors Law (“YSL”) to provide reparations to survivors to improve the quality of their lives in the aftermath of ISIL’s violence.⁵

Since the YSL’s enactment, the Iraqi government, through the General Directorate for the Care of Survivors’ Affairs (“GDSA”), the department created by the YSL for implementing its provisions,⁶ has executed several of those provisions.⁷ For instance, the YSL mandates monthly compensation for successful applicants, which has been highlighted as a successful implementation thus far, according to a 2024 report by the Coalition for Just Reparations (“C4JR”). However, challenges with implementation remain. This policy report highlights those challenges and presents recommendations based on international and comparative best practices.

International best practices highlighted in this report arise from standards set by the United Nations (“UN”), the United Nations Population Fund (“UNFPA”), and the World Health Organization (“WHO”), among others. The comparative best practices featured in this report were selected following a thorough content analysis of CRSV reparation measures in 21 countries. Comparative best practices by international organizations and national governments in the following ten countries, with a context similar to Iraq, were selected for the final comparative analysis: Bosnia and Herzegovina (“Bosnia”), the Democratic Republic of the Congo (“Congo”), the Central African Republic (“the CAR”), Guatemala, Kosovo, Liberia, Mali, Rwanda, Somalia, and Syria.

¹ The Office of the United Nations High Commissioner for Human Rights labeled this ISIL attack as encompassing genocide, crimes against humanity, and war crimes. “They Came to Destroy”: ISIS Crimes Against the Yazidis, Human Rights Council on Its Thirty-Second Session, U.N. Doc. A/HRC/32/CRP.2, at 36 (2016), https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf.

² See generally *id.*

³ Ben Wedeman and Lauren Said-Moorhouse, *ISIS Has Lost Its Final Stronghold in Syria, the Syrian Democratic Forces Says*, CNN (Mar. 23, 2019), <https://www.cnn.com/2019/03/23/middleeast/isis-caliphate-end-intl/index.html>.

⁴ Regarding physical and mental health challenges, respondents in a 2023 survey conducted by the Coalition for Just Reparations (“C4JR”), an alliance of Iraqi NGOs working towards reparations for survivors, reported the need for medical services and mental health and psycho-social support. See *infra*, pp. 28–30. Regarding social challenges, many face fears of ostracization. Odette Helou Chesnot & Eliana Kachaamy, *Sexual Violence Related to Terrorism: Psychological Care for Yazidi Women in Iraq*, 181 ANNALES ME’DICO PSYCHOLOGIQUES 768, 770 (2023). For those survivors who reintegrate, they may continue to be rejected by their families and communities, leading many to commit suicide. See Hawkar Ibrahim et al., *Trauma and Perceived Social Rejection Among Yazidi Women and Girls Who Survived Enslavement and Genocide*, 16 BMC MED. 1, 2 (2018); see also Jan Ilhan Kizilhan & Michael Noll-Hussong, *Individual, Collective, and Transgenerational Traumatization in the Yazidi*, 15 BMC MED. 1 (2017).

⁵ See generally Yazidi Female Survivors Law No. 8 of 2021 (Esra Alamiri, trans.) (Iraq).

⁶ *Id.* art. 3

⁷ See generally MAIREAD SMITH, COALITION FOR JUST REPARATIONS, MORE THAN “INK ON PAPER”: TAKING STOCK THREE YEARS AFTER THE ADOPTION OF THE YAZIDI [FEMALE] SURVIVORS LAW (2024) [hereinafter C4JR Report].

The report consists of ten sections. Section II establishes the eligibility and scope of the YSL. Specifically, Article 2 of the YSL establishes eligibility for reparation benefits to include Yazidi women CRSV survivors, Yazidi children abducted under the age of 18, CRSV women and girl survivors from Turkmen, Christian, and Shabak groups, and all survivors of ISIL's mass killings. However, the YSL does not cover children from other minority groups, male CRSV survivors, or children born of rape. Comparative best practices reveal more inclusive approaches, providing legal recognition and access to reparation measures to children born of rape (Bosnia and Mali) and extending access to care to male CRSV victims and survivors (the CAR). To ensure that the YSL reaches all relevant victims and survivors, the Iraqi government should adopt the following recommendation:

- *Amend Article 2 of the YSL to expand eligibility to include male victims and survivors of CRSV, children from all the other victim groups covered by the YSL, and children born from rape.*

Section III explores implementation structures and capacity-building frameworks for issuing reparations. The YSL creates an implementation structure to issue reparations through Articles 3, 5(1), and 10 of the YSL. Primarily, Article 3 establishes the GDSA and sets rules for establishing and operating local branches. Regarding the branches, the 2024 C4JR report indicates challenges at local branches due to insufficient and insufficiently trained staff. The UN Population Fund ("UNFPA") mandates that reparations create supportive environments that consider safety, security, confidentiality, and respect for victims and survivors. Comparative best practices embrace this approach. One-stop care centers located in the most populated cities where most survivors reside (the CAR, Mali) in addition to care catering to remote areas via mobile clinics (Congo) have enabled access to medical and psychosocial services for survivors. Moreover, safe spaces and survivor community centers (Congo) as well as the provision of training sessions to government commissions and NGOs for interviewing and engaging with CRSV survivors (Syria) have further ensured access to support, safety, and security for survivors. To provide access to care and reparations through Article 3, the Iraqi government and GDSA should adopt the following recommendations:

- *Engage with CRSV victims and survivors to determine additional, non-traumatizing locations for GDSA offices;*
- *Provide safe transportation services for victims and survivors to GDSA offices, legal clinics, one-stop centers, food markets, etc.;*
- *Provide additional training to judges, investigators, GDSA staff members and officials on how to engage and communicate with victims and survivors seeking YSL assistance to avoid re-traumatizing them or deterring them from seeking assistance; and*
- *Allocate funding to reputable NGOs to establish and run mobile clinics and one-stop centers nationwide, including in remote or rural areas. The mobile clinics and centers should include access to accurate information, health services, psychosocial services, safe spaces, legal assistance, and economic or financial assistance.*

Article 10 establishes a committee to review and approve survivors' applications. The GDSA recently imposed an additional requirement, requesting applicants to file a criminal complaint first with a federal court prior to submitting their YSL application. This measure

contravenes current international standards and may re-traumatize victims and survivors. Moreover, throughout the application process, survivors report being subjected to poor treatment from judges and others, further discouraging them from completing the application. UNFPA emphasizes that actors must consider the rights, needs, and choices of survivors to ensure their meaningful participation and empowerment. Comparative best practices support this approach. Such best practices include compliance mechanisms within a court-created system of reparations, led and overseen by a women survivor-represented NGO (Guatemala); training sessions for interviewing survivors (The United Nations Multidimensional Integrated Stabilization Mission in Mali (“MINUSMA”)); paralegal programs enabling paralegals to assist survivors with navigating the relevant laws and filing the necessary paperwork (Liberia); and community-based hotlines providing survivors with immediate access to information and support (Liberia). To adequately enable access to reparations, the Iraqi government and GDSA should adopt the following recommendations:

- *Amend evidentiary requirements that could create an impediment to the effective implementation of reparation measures;*
- *Implement compliance and accountability mechanisms supervised by a local civil society organization comprised of victims and survivors;*
- *Allocate funding to establish and run hotlines that connect survivors to services that can assist with the application process; and*
- *Partner with international organizations with experience in CRSV reparations administration to obtain technical and capacity-building support as well as CRSV training on how to work with victims and survivors.*

Article 5(1) requires the GDSA to count and prepare data for survivors. Due to the risk of re-traumatization throughout the application process, streamlining collection of CRSV data is paramount to ensure the physical and mental safety of survivors. The Congo, Mali, and Somalia have implemented Monitoring, Analysis, and Reporting Arrangements (“MARA”) Working Groups to collect, analyze, share, and streamline confidential CRSV data. In Syria, investigators employ an encrypted cloud storage platform, Tresorit, to collect and share sensitive, confidential information collected from survivors. To ensure the streamlined, confidential, effective and reliable collection and storage of survivor data, the Iraqi government and GDSA should adopt the following recommendations:

- *Utilize secure document-sharing and storage platforms, like Tresorit, to collect materials related to CRSV cases; and*
- *Share NGO-collected data with the Directorate to harmonize national and international response efforts and avoid re-traumatization of victims and survivors through repeated resharing of their stories.*

Section IV analyzes individual compensation as a form of reparations. Article 4(1) of the YSL mandates compensation that morally and financially ensures a “decent life” for survivors. Article 6(1) mandates a monthly salary that is “no less than double the minimum retirement salary stipulated in the Unified Retirement Law.” Additionally, Article 10 establishes the procedural mechanisms for accessing individual compensations, including the applications and appeals processes noted above. Although the GDSA has provided monthly compensation to successful

applicants, these amounts are inadequate as they provide one lump sum to every applicant, regardless of the type of harm suffered. International standards (as per the UN-Secretary General) require that compensation be appropriate and transformative, considering obstacles and providing access to resources that increase financial independence and empowerment. Comparative best practices reflect these standards. Bosnia's legal framework sets clear criteria for tailored monthly payments to survivors and expanded benefits to include personal disability allowance, family disability allowance, orthopedic treatment, and others. Furthermore, to enhance financial empowerment, economic projects in Bosnia further provided business training sessions and linked survivors with job opportunities, and financial literacy training sessions were offered at the one-stop centers in Mali. To continue adequately providing victims and survivors with the necessary tailored compensation to improve the quality of their lives, the Iraqi government and GDSA should adopt the following recommendations:

- *Fund NGOs with a track record of effective implementation of financial literacy training and business training to expand programs and opportunities to CRSV survivors;*
- *Provide victims and survivors with clear and consistent information of availability and access to other benefits, such as personal disability allowance, family disability allowance, etc; and*
- *Adjust monthly payments based on the level of victims' and survivors' vulnerability so that the financial assistance is effectively transformative.*

Section V evaluates current and potential educational opportunities for survivors. Article 5(4) of the YSL mandates the provision of educational opportunities for survivors. To implement this provision, the GDSA waived the legal age limit for the right to study in public schools for those who have missed four years of schooling but have not considered alternative forms of education outside of the traditional classroom or any long-term economic empowerment programs, especially those linked with financial literacy programs. The UN-Secretary General requires that reparations enhance financial independence and empowerment. Comparative best practices supporting these standards include literacy and small business management training sessions as well as microcredits and scholarships to survivors (the CAR); financial training sessions provided by NGOs and one-stop centers (Congo and Mali); and job coaching and technical and vocational education programs for survivors provided by NGOs (Congo and Somalia). To create educational opportunities that will empower survivors, the Iraqi government and GDSA should adopt the following recommendations:

- *Waive the age limit on public education accessibility for survivors;*
- *Fund NGOs and CSOs with a track record in effective implementation to create and provide alternative education programs including technical and vocational education, trade training, livelihood training, and job coaching programs; and*
- *Fund NGOs and CSOs with a track record in effective implementation to establish and run general literacy and financial literacy programs that educate survivors on language skills and money management skills.*

Section VI focuses on employment opportunities. Article 5(5) of the YSL mandates providing job and employment opportunities for survivors to achieve "economic and social well-being." A hiring freeze on public service employment hindered the implementation of this

measure. Comparative best practices provide examples of effective employment opportunities outside the public sector. In Bosnia, international and local groups provided business training sessions and entrepreneurial opportunities with local businesses that ultimately improved family relations and long-term sufficiency. In Congo, one-stop centers provided training sessions in agriculture, livestock, and breadmaking as well as employment opportunities outside the public sector. In Kosovo, international and local groups delivered micro-grants to survivors to start or scale small businesses and offered skills-building programs. In Mali, financial training sessions enabled survivors to manage finances and sustain jobs in the private economy, and in Somalia, technical and vocational education, and livelihood training programs provided survivors with alternative employment opportunities. To provide adequate employment opportunities for survivors, the Iraqi government and GDSA should adopt the following recommendations:

- *Fund local NGOs with a reputable track record to provide:*
 - *Technical, vocational, and livelihood training programs for general work readiness;*
 - *Individual and community-level job training services tailored to the specific regional markets, industries, and needs for small-scale income generation activities; and*
 - *Financial training for CRSV survivors.*
- *Allocate resources to NGOs to develop micro-grant projects that enable survivors to start or scale small businesses; and*
- *Include local businesses in economic initiatives employing survivors and their family members.*

Section VII explores health and psychological rehabilitation centers. Article 5(6) of the YSL establishes health and psychological rehabilitation centers for survivors inside and outside Iraq. Survivors reported urgently needing medical services and mental health and psychosocial support (“MHPSS”), and in March 2023, the GDSA signed an agreement with eight CSOs establishing a referral system for MHPSS services. UNFPA requires that health centers be available, accessible, adaptable, and appropriate. Comparative best practices reflect these standards. In Bosnia, resource packages were provided to treat rape survivors during the war and a women’s therapy center assisted women and children survivors with long-term psychological counseling after the war. In the CAR and the Congo, centers and mobile clinics provided medical services, such as treatment for unwanted pregnancies, HIV exposure, rape, physical assault, vaccinations, and psychological care, including support in community centers and through psychological sessions. In Kosovo, international and local groups offered diagnostic, screening, and referral services. Other examples include formal agreements between governments and international NGOs to supply women’s hygiene products and medical equipment to local CSOs (Kosovo); national policies providing free medical and rehabilitation services for survivors and children (Mali); and government and CSO partnerships providing medical services, individual and group counseling, and therapeutic sessions (Mali). To ensure the establishment of adequate, accessible, and appropriate health and rehabilitation centers inside and outside Iraq, the Iraqi government and GDSA should adopt the following recommendations:

- *Partner with UN agencies and local NGOs to create rehabilitation programs and referral services that provide long-term physical and psychological support to victims, survivors, and children;*
- *Fund NGOs and CSOs with an established reputable record to develop and run holistic one-stop centers in major and rural cities to ensure all victims and survivors receive necessary care;*
- *Fund and utilize mobile clinics to provide isolated and vulnerable groups with comprehensive care; and*
- *Provide wide-ranging physical health, mental health, and psychosocial services addressing specific population needs such as reproductive health care, contraception (including emergency contraceptive methods), HIV/AIDS treatment and prevention, therapy and counseling for mothers and children, as well as accessible immunization, particularly for people in remote areas.*

Section VIII analyzes land and housing provisions. Article 6(2) of the YSL allocates a residential plot of land with a real estate loan or a housing unit to survivors. The GDSA has allocated most of the land in Sinjar, despite reported difficulties facing internally displaced persons and the expressed reluctance of most young women survivors to return to Sinjar. Additionally, the GDSA has issued certificates of land occupancy with delays, and many homes have not been rebuilt. Comparative best practices present alternative policy frameworks and survivor-centered housing programs. In Kosovo, the government views housing as a right, providing property tax waivers and family housing through the construction of collective social housing for victims and survivors. In Rwanda, an NGO provides housing support to survivors as well as repairs to the homes of widowed survivors. To further assist victims and survivors, the Iraqi government and GDSA should adopt the following recommendations:

- *Implement property tax waivers for CRSV survivors to mitigate financial burdens;*
- *Establish a residential care program that prioritizes the integration of residents for those residing in collective social housing; and*
- *Partner with international NGOs and UN agencies to fund, construct and renovate homes for survivors.*

Section IX focuses on memorialization and awareness-raising campaigns. Article 8 of the YSL recognizes August 3rd as a day of remembrance for the ISIL crimes committed against the Yazidis and other minority populations. It additionally mandates authorities to erect memorials to commemorate victims and survivors; however, very little has yet materialized in the past three years. The government has only erected the Yazidi Genocide Memorial in Sinjar, and it has not yet officially included in the national calendar the August 3rd national day of remembrance. The UN Office of the High Commissioner for Human Rights (“OHCHR”) provides that reparations may include memorials, monuments, and commemorations but should be complemented with awareness raising campaigns to ultimately “change attitudes, behaviors, and beliefs that normalize CRSV” and foster non-repetition. Comparative best practices encourage comprehensive memorialization packages. Guatemala designated a National Day of Victims of Sexual Violence, Slavery, and Domestic Violence while also developing a curriculum, cultural events, and a documentary to increase awareness. Bosnia launched localized stigma alleviation plans to engage young community leaders and clergy members from various faiths in traditional and digital public

awareness campaigns to de-stigmatize CRSV and fight impunity and social exclusion. Similarly, in Kosovo, community leaders including the president, mayors, celebrities, and activists supported campaigns through discussions, songs, movies, art installations, and theater and street performances. In Mali, MINUSMA utilized public information tools and sensitization programming, such as a mobile cinema session, to raise awareness within communities. To ensure proper memorialization and commemoration of the Yazidi genocide and to destigmatize CRSV and enhance the survivors' social statuses within their communities, the Iraqi government and GDSA should adopt the following recommendations:

- *Memorialize August 3rd as a National Day of Remembrance in Iraq's official calendar;*
- *Create and implement awareness-raising campaigns that use various mediums such as radio, film, artworks, social media, and panels to educate various stakeholders about the Yazidi Genocide, CRSV, and the experiences of victims and survivors;*
- *Actively encourage community leaders such as government officials, religious leaders, and celebrities, to explicitly denounce the perpetration and stigmatization of CRSV and publicly meet with survivors;*
- *Translate memorialization and awareness-raising information into the languages of minority groups to increase accessibility;*
- *Incorporate memorialization material into school material for children that is easily digestible; and*
- *Facilitate community-led memorialization initiatives in collaboration with the government, local NGOs, and CSOs.*

II. ELIGIBILITY UNDER THE LAW

A. Article 2

Article 2 of the YSL establishes eligibility and scope of the law.⁸ Covered persons include Yazidi women kidnapped and released by ISIL, including CRSV survivors, women and girls who are CRSV survivors from the Turkmen, Christian and Shabak groups, Yazidi children abducted under the age of 18, women and girls survivors of ISIL, and all persons, including boys and men, who survived the mass attacks by ISIL.⁹

1. Implementation

The YSL does not include children from other victim groups or the survivors of other groups, such as Sunni and Shia Arabs and Kaki.¹⁰ The YSL does not recognize the rights of men and boys subjected to CRSV or address the rights of children born from CRSV.¹¹ Iraqi law holds that children automatically follow the religion of their fathers (in the case of Yazidi children born from CRSV, Islam, as their fathers are ISIL members), resulting in the Yazidi spiritual leadership rejecting children born of rape.¹² C4JR proposed an amendment to the YSL to include all victims of CRSV perpetrated during the conflict, including all female and male survivors, regardless of age, ethnicity, or religious affiliation, and children born from rape.¹³

2. International Standards and Comparative Best Practices

Bosnia and Herzegovina (“Bosnia”): Bosnia adopted the Law of Protection of Civilian War Victims in 2023 to define and expand the rights of CRSV survivors.¹⁴ This law recognizes children born from wartime rape as civilian victims of war.¹⁵

Central African Republic (“CAR”): Between 2018 and 2022, 95% of the patients that Médecins Sans Frontières (“MSF”) treated for wartime rape were female; however, the NGO also treated 992 male victims and survivors of CRSV.¹⁶ MSF underscores the stigma that male CRSV victims face.¹⁷

⁸ See Yazidi Female Survivors Law, No. 8 of 2021 (Esra Alamiri, trans.) (Iraq), art. 2.

⁹ See C4JR Report, *supra* note 7, at 8.

¹⁰ *Id.* at 32.

¹¹ *Id.*

¹² *Id.*

¹³ C4JR Report, *supra* note 7, at 32.

¹⁴ *Federation of Bosnia and Herzegovina Adopts the Law on the Protection of Civilian Victims of War*, TRIAL INT’L (Aug. 8, 2023), <https://trialinternational.org/latest-post/federation-of-bosnia-and-herzegovina-adopts-the-law-on-the-protection-of-civilian-victims-of-war/>.

¹⁵ See Burcu Akan Ellis, “I Broke Free” *Youth Activism and the Search for Rights for Children Born of War in Bosnia*, 7 GENEALOGY 73, 73 (2023), [https://www.mdpi.com/2313-5778/7/4/73#:~:text=This%20law%20contained%20a%20landmark,their%20societies%20\(Hatibie%202022\)](https://www.mdpi.com/2313-5778/7/4/73#:~:text=This%20law%20contained%20a%20landmark,their%20societies%20(Hatibie%202022)) (noting that the law sets a global benchmark as only a few other countries, such as Norway and Colombia, legally addresses the rights of children borne of war).

¹⁶ See MÉDECINS SANS FRONTIÈRES, *INVISIBLE WOUNDS: MSF’S FINDINGS ON SEXUAL VIOLENCE IN CAR BETWEEN 2018 AND 2022* 10 (Oct. 2023), <https://www.msf.org/invisible-wounds-msf-findings-sexual-violence-car> [hereinafter *MSF’S FINDINGS ON SEXUAL VIOLENCE IN CAR*].

¹⁷ *Id.* at 10. Most male patients require psychiatric treatment.

Mali: The Truth, Justice, and Reconciliation Commission of Mali enacted a law that provides reparations via financial compensation, free medical services, and rehabilitation services for both CRSV survivors as well as children born of rape.¹⁸

3. Recommendations for Iraq

To ensure that the law covers all relevant victims and survivors, Iraq should adopt the following recommendation:

- Amend Article 2 of the YSL to expand eligibility to include male victims and survivors of CRSV, children from all the other recognized victim groups covered by the law, and children born from rape.

¹⁸ See U.N. Secretary-General, *Conflict-Related Sexual Violence Report*, 12, U.N. Doc. S/2023/413 (July 6, 2023) [hereinafter UN-SG Report], <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2023/07/SG-REPORT-2023SPREAD-1.pdf>; see also U.N. PEACEKEEPING, PREVENTING AND RESPONDING TO CONFLICT-RELATED SEXUAL VIOLENCE 14 (2022) [hereinafter U.N. Responding to CRSV 2022 Report], https://peacekeeping.un.org/sites/default/files/2022_crsv_annual_summaries_english-_dpo.pdf. The law (Law No. 2022–041) is written in French; research has not returned an English translation of the law.

III. IMPLEMENTATION STRUCTURES AND CAPACITY BUILDING FOR ISSUING REPARATIONS

To effectively implement the provisions of the YSL, the Iraqi government worked with international and national organizations to create an apparatus for issuing reparations.¹⁹ This apparatus integrates consultative mechanisms, which include ongoing collaborations with the International Organization for Migration (“IOM”), CSOs, and other international organizations, to ensure a survivor-centered approach at all levels of implementation.²⁰ Articles 3 and 10 establish the GDSA and a review committee to oversee and implement the YSL. The GDSA implements the YSL under the management of a member of the Yazidi community in the Ninewa Governorate and in other locations where the GDSA may open branches.²¹ The review committee, consisting of a judge, the Director General of Survivors Affairs, and six representatives from various departments, considers the applications of female survivors and those covered under the YSL.²² Moreover, Article 5(1) creates a framework for data collection, to develop the evidence needed to support and inform the GDSA’s work.²³ In implementing the bodies and apparatuses established by these three articles, the C4JR Report noted several limitations. This section explores those limitations and the international and comparative best practices aimed at addressing them.

A. Article 3

1. Implementation

There are several issues with the various GDSA offices tasked with assisting victims and survivors with the YSL process. Currently, the GDSA headquarters are located in the city of Mosul with a branch office in Sinjar.²⁴ C4JR reported that 57% of respondents based in Sinjar sought assistance with their YSL applications due to financial constraints preventing them from traveling to the GDSA headquarters located in Mosul.²⁵ The Sinjar branch of the GDSA is not effective as staffers lack the necessary background to work with victims and survivors and are late or fail to report for work.²⁶ Additionally, the location of the office in Mosul is traumatizing for victims and survivors to travel to as Mosul is the city where ISIL began attacks in June 2014 and where many Yazidis were held hostage.²⁷ As a result of the inadequate locations and the inexperienced staffers, many victims and survivors do not feel safe traveling to these offices.²⁸ The C4JR is currently advocating for an office to be established in Dohuk, where many survivors are located.²⁹

Although there are no concerns for the physical safety of survivors accessing these offices from remote locations, transportation should be provided to survivors for safety and financial

¹⁹ *Id.* at 12–13.

²⁰ *Id.* at 19–20.

²¹ Yazidi Female Survivors Law No. 8 of 2021 (Esra Alamiri, trans.) (Iraq), art. 3.

²² *Id.* art. 10.

²³ *Id.*

²⁴ C4JR Report, *supra* note 7, at 8.

²⁵ *Id.* at 8, 20.

²⁶ Zoom Interview with Olivia Wells, Programs Director, Free Yezidi Foundation (Mar. 8, 2024).

²⁷ *Id.*

²⁸ *Id.*

²⁹ C4JR Report, *supra* note 7, at 8.

reasons.³⁰ Currently, there is heavy reliance on NGOs to provide the transportation.³¹ Though the Directorate has \$19 million allocated to its implementation work, it has not allocated any transportation funds for victims and survivors.³²

2. International Standards and Comparative Best Practices

International Standards: The UN Population Fund (“UNFPA”) mandates that survivor-centered approaches need to create supportive environments that incorporate safety, security, confidentiality, and respect into the treatment of survivors.³³ To meet these ends, establishing safe spaces for survivors is a key standard in CRSV responses. For instance, the United Nations Children’s Fund (“UNICEF”), in coordination with governments and other local actors, provides CRSV victims and survivors with “the safe spaces they need to access care and protection.”³⁴

CAR: In the CAR, the NENGO Project was launched by the Pierre Fabre Foundation, the Panzi DRC Foundation, the Dr. Denis Mukwege Foundation, and the Francophone Institute for Justice and Democracy to provide a one-stop holistic care center for CRSV victims and survivors.³⁵ The one-stop center is located at the Hôpital de l’Amitié (also known as the “Friendship Hospital”) in Bangui, the capital and most populated city of the CAR.³⁶ The location of this center has proved critical, since Bangui is where most CRSV victims and survivors reside; and as of March 2023, over 4,000 victims and survivors have received medical or psychological care, legal assistance, or socioeconomic assistance through the NENGO Project.³⁷ Furthermore, from 2018 to 2022, MSF also provided medical and psychosocial support to CRSV victims and survivors in rural locations throughout the CAR, including Bria, Kabo, Eureka, and Bouar.³⁸ MSF prioritized these peripheral locations to provide care to victims and survivors who either could not travel to the capital or other major cities due to financial constraints or had their closest care centers hundreds of kilometers away.³⁹

Congo: In the Congo, the Global Survivors Fund, Panzi Foundation, and Mouvement National des Survivant initiated an Interim Reparative Measure (the “Measure”) in North Kivu, South Kivu, and Central Kasa which established measures such as mobile clinics and survivor

³⁰ Zoom Interview with Olivia Wells, *supra* note 26.

³¹ *Id.*

³² *Id.*; see also C4JR Report, *supra* note 7, at 33.

³³ U.N. Population Fund, *Minimum Standards for Prevention and Response to Gender-Based Violence in Emergencies* x–xi (Nov. 2015) [hereinafter *Minimum Standards*], https://www.unfpa.org/sites/default/files/pub-pdf/GBVIE.Minimum.Standards.Publication.FINAL_ENG_.pdf.

³⁴ *Gender-Based Violence in Emergencies*, UNICEF (Mar. 30, 2021), <https://www.unicef.org/protection/gender-based-violence-in-emergencies>. UNICEF includes armed conflict in its definition of gender-based violence in emergencies.

³⁵ See NENGO Project, AGENCE FRANÇAISE DE DÉVELOPPEMENT (Mar. 6, 2023), <https://www.afd.fr/en/actualites/nengo-helping-healing-sexual-violence-victims-central-african-republic>.

³⁶ See *Holistic Care for Survivors of Sexual Violence in the Central African Republic*, U.N. OHCHA: REPORTS (Dec. 10, 2020), <https://reports.unocha.org/en/country/car/card/1462PPT6L6/>; see also MSF’s FINDINGS ON SEXUAL VIOLENCE IN CAR, *supra* note 16, at 8. “In Bangui, which has nearly 900,000 inhabitants representing about a sixth of the country’s total population, access issues due to insecurity are less of a recurrent problem.”

³⁷ See NENGO Project, *supra* note 35.

³⁸ MSF’s FINDINGS ON SEXUAL VIOLENCE IN CAR, *supra* note 16, at 3.

³⁹ *Id.* at 8–9.

community centers.⁴⁰ As of March 2024, 990 participating survivors have accessed mobile clinics.⁴¹ Additionally, the UN Organization Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”), in partnership with several other UN organizations such as the UNFPA, increased the number of mobile clinics and safe spaces to treat pregnant women survivors, assist in baby deliveries, and distribute supplies, especially throughout internally displaced persons (“IDP”) sites.⁴² Furthermore, through a DRC Gender-Based Violence Prevention and Response Project funded by the World Bank, one-stop centers were created and expanded, with more than 80% of survivors accessing care through “community-based entry points” and transit houses.⁴³ As for transportation, in South Kivu, military and police members partnered with the Panzi Foundation and other local groups to deliver escorts for transportation to food markets and legal clinics to survivors in remote locations.⁴⁴

Mali: In Mali, the United Nations Multidimensional Integrated Stabilization Mission in Mali (“MINUSMA”) established 15 one-stop centers within existing health facilities across regional capitals, several of which provide safe shelters as well as services for medical and psychosocial care and financial training sessions.⁴⁵ Furthermore, regarding training, MINUSMA and Mali’s Senior Women’s Protection Adviser provided technical support to members of the Truth, Justice, and Reconciliation Commission’s Reparation sub-commission, while also conducting training sessions on interviewing techniques for CRSV survivors.⁴⁶

Syria: Investigators for the International, Impartial and Independent Mechanism (“IIIM”) provided training to NGOs and activists on how to engage with victims and survivors living in camps.⁴⁷ Training included explanations of re-traumatization, questions, and comments to avoid when interviewing victims and survivors, and education on evidence preservation and how to seek support.⁴⁸ The importance of finding secure locations to do investigations and interviews that were victim-friendly was also underscored.⁴⁹ Safe spaces, like hotels, were beneficial as victims and survivors felt relief in leaving the camps, even if only temporarily, and felt safety and comfort in speaking with victim-friendly investigators.⁵⁰

⁴⁰ *Democratic Republic of the Congo*, GLOB. SURVIVORS FUND, <https://www.globalsurvivorsfund.org/where-we-work/democratic-republic-of-the-congo/> (last visited Feb. 19, 2024).

⁴¹ *Id.*

⁴² *An Inside Look at Life-Saving Mobile Clinics in the Democratic Republic of the Congo*, UNFPA: E. AND S. AFR. (Sept. 20, 2023), <https://esaro.unfpa.org/en/news/inside-look-life-saving-mobile-clinics-democratic-republic-congo>.

⁴³ Albert Zeufack, *Changing Social Norms and Values to End Widespread Violence against Women and Girls in DRC*, WORLD BANK: BLOGS (Dec. 12, 2022), <https://blogs.worldbank.org/africacan/changing-social-norms-and-values-end-widespread-violence-against-women-and-girls-drc>.

⁴⁴ TOBIE WHITMAN, THE INST. FOR INCLUSIVE SEC., JOINT PROTECTION TEAMS: A MODEL FOR ENHANCING CIVILIAN SECURITY 3 (2010), https://www.inclusivesecurity.org/wp-content/uploads/2013/05/Joint-Protection-Teams_FINAL.pdf.

⁴⁵ See UN-SG Report, *supra* note 18, at 26; see also *Mali Says Stop to Gender-Based Violence (GBV): The New One Stop Center in Bamako, a Link between Justice and Malian Women Survivors of GBV*, UN Women (Apr. 30, 2018), [hereinafter *Mali Says Stop to Gender-Based Violence (GBV)*], <https://africa.unwomen.org/en/news-and-events/stories/2018/04/le-mali-dit-stop-aux-violence-basees-sur-le-genre-vbg>.

⁴⁶ U.N. Responding to CRSV 2022 Report, *supra* note 18, at 14.

⁴⁷ Zoom Interview with Rabiaa El Garani, Senior Investigator, International Impartial Independent Mechanism for Syria (Apr. 9, 2024).

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

3. Recommendations for Iraq

The locations of the Directorate's offices and the treatment of CRSV victims and survivors by judges and staffers all currently serve as major barriers to effective implementation of the YSL and the ability of victims and survivors to receive necessary support. To provide access to necessary care and reparations through Article 3, Iraq should adopt the following measures:

- Engage with CRSV victims and survivors to determine additional, non-traumatizing locations for GDSA offices;
- Provide safe transportation services for victims and survivors to GDSA offices, legal clinics, one-stop centers, food markets, etc.;
- Provide additional training to judges, investigators, GDSA staff members and officials on how to engage and communicate with victims and survivors seeking YSL assistance to avoid re-traumatizing them or deterring them from seeking assistance; and
- Allocate funding to NGOs to establish and run mobile clinics and one-stop centers throughout the country, including in remote or rural areas. The mobile clinics and centers should include access to accurate information, health services, psychosocial services, safe spaces, legal assistance, and economic or financial assistance.

B. Article 10

1. Implementation

C4JR reported that applicants have three methods for applying for reparations: (1) submitting a hardcopy to the GDSA; (2) attending an in-person appointment at the GDSA offices or branches; or (3) submitting an online application submission.⁵¹ The GDSA has added a requirement that applicants file a criminal complaint first with a federal court before becoming eligible for reparations.⁵² The criminal complaint will produce investigation documents, which the applicant must submit with their application to the GDSA.⁵³ Since this practice contravenes international best practices and creates a negative psychosocial impact on the applicant, C4JR has called for measures to avoid re-traumatization and to relax these evidentiary standards to align with a survivor-centered approach.⁵⁴ Several other concerns with the application and appeal process are listed in the C4JR reports (2023 and 2024).⁵⁵

C4JR has reported progress in integrating trauma-informed practices with training programs provided by IOM-Iraq, which trained NGOs on awareness-raising and survivor-centered practices.⁵⁶ However, survivors indicate that they are treated poorly throughout the application

⁵¹ C4JR Report, *supra* note 7, at 11.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ C4JR also noted the following concerns with the application and appeals processes: identification documents required are not always easily accessible leading to exclusion or self-exclusion of some of the people covered by the YSL; time limits (90 days) do not necessarily take into account different vulnerabilities and constraints of different applicants; and the appeal process follows the same route as the initial application – thus not providing for a neutral review of the case. *See* C4JR Report, *supra* note 7, at 6, 10, 20.

⁵⁶ *Id.* at 10, 24.

process, thus being discouraged from continuing with their applications .⁵⁷ When engaging with judges in the application process, many victims and survivors have reported that judges speak down to them, ultimately deterring them from seeking reparations .⁵⁸

2. International Standards and Comparative Best Practices

International Standards: UNFPA emphasizes that actors must center the rights, needs, and choices of survivors, ensuring safety and meaningful participation at every step.⁵⁹ UN Action calls for CRSV initiatives to “foster empowerment, allow participation and leadership of survivors, and promote their safety, well-being, and recovery in a manner that deliberately centers their wishes and needs.”⁶⁰ Such perspectives may be important in evaluating the application process itself.

Bosnia: Regarding evidentiary requirements, the 2023 law removed certain impediments that were included in the previous version of the law. The Law of Protection of Civilian War Victims⁶¹ now allowed right users to exercise their rights even if they had left Bosnia for more than three months — i.e., they were previously banned from exercising rights under the law if they left Bosnia for more than three months. The law also removed the requirement that those covered under the law must re-obtain expert opinion to exercise their rights under the law.

Guatemala: Regarding evidentiary requirements, the Court order issued in the case of *Sepur Zarco* does not include any specific evidentiary requirements for survivors,⁶² placing the burden on the State (through designated ministries);⁶³ and on the defendants (for individual compensation measures).⁶⁴ The Court order setting a CRSV reparation framework in this case was applauded by the international community for setting “a standard for dignified reparations,”⁶⁵ which infers that any restrictions, including evidentiary requirements, that impede on survivors’ ability to access reparations are counter to a dignified reparations standard.

Regarding accountability and alignment with a survivor-centered approach, the Guatemalan Supreme Court additionally established a system of reparations aimed at eradicating the root causes of CRSV,⁶⁶ which included a compliance mechanism, led and overseen by Mujeres

⁵⁷ Zoom Interview with Olivia Wells, *supra* note 26.

⁵⁸ *Id.*

⁵⁹ Minimum Standards, *supra* note 33, at x, 2.

⁶⁰ UN ACTION AGAINST SEXUAL VIOLENCE IN CONFLICT, UN ACTION ANNUAL PROGRESS REPORT 2022 32 (2023), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2023/10/report/un-action-annual-progress-report-2022/2022-UN-Action-Annual-Report.pdf>.

⁶¹ *The Law on the Protection of Civilian War Victims was Adopted by the House of Peoples*, SARAJEVO TIMES (Aug. 1, 2023), <https://sarajevotimes.com/the-law-on-the-protection-of-civilian-war-victims-in-the-federation-adopted-by-the-house-of-peoples/>.

⁶² BRISNA CAXAJ ÁLVAREZ ET AL., IMPUNITY WATCH, CHANGING THE FACE OF JUSTICE: KEYS TO THE STRATEGIC LITIGATION OF THE SEPUR ZARCO CASE (2017), https://www.impunitywatch.org/wp-content/uploads/2017/07/Changing_the_face_of_justice_final.pdf.

⁶³ *Id.* at 44–45.

⁶⁴ *Id.* at 44.

⁶⁵ *Id.* at 54.

⁶⁶ The strategic litigation model of implementation has 5 distinct components, focusing on: (1) legal elements anchored in human rights, humanitarian laws, and women’s rights and aimed to challenge and change justice systems; (2) political elements focused on transitional justice through a feminist lens; (3) communication aspects reframing CRSV

Transformando el Mundo (MTM), a grassroots organization represented by women survivors.⁶⁷ This represents a unique arrangement in which women survivors are present and directly involved in the implementation of reparations, reflecting international standards.⁶⁸

Liberia: Liberia initiated paralegal programs to empower survivors by teaching them how to report and navigate relevant laws.⁶⁹ Paralegals assist survivors with paperwork while offering additional services, such as basic counseling.⁷⁰ Several community-based hotlines are available to provide survivors with immediate access to information, advice, and support.⁷¹ These hotlines ensure that survivors can seek assistance at any time, including guidance on accessing services such as medical care and counseling.⁷² By offering these additional services, Liberia is enhancing accessibility to services by removing logistical barriers and enabling accurate information and adequate referrals. Additionally, Liberia established local referral pathways to streamline access to support services.⁷³ These pathways map out services between different sectors and provide insight into medical, legal, and psychosocial support.⁷⁴

Mali: MINUSMA and Mali’s Senior Women’s Protection Adviser provided technical support to the Commission and conducted training sessions for interviewing CRSV survivors while creating the November 2022 reparations law.⁷⁵

3. Recommendations for Iraq

To adequately implement an apparatus for enabling access to reparations, Iraq should adopt the following measures:

- Remove evidentiary requirements that could create an impediment to the effective implementation of reparation measures;
- Implement compliance and accountability mechanisms supervised by a local civil society organization comprised of victims and survivors;
- Allocate funding to establish and run hotlines that connect survivors to services that can assist with the application process; and

as an international crime; (4) psychosocial elements focused on building capacity to address the impact of violence, and strengthen women’s leadership; and (5) security aspects aimed at mitigating risks and vulnerabilities related to strategic litigation processes and increasing protection for survivors of CRSV. See BRISNA CAXAJ ÁLVAREZ ET AL., *supra* note 62, at 13–14; see also Alison Crosby & M. Brinton Lykes, *Mayan Women Survivors Speak: The Gendered Relations of Truth Telling in Postwar Guatemala*, 5 INT’L J. TRANSNATIONAL JUST. 456, 461 (2011).

⁶⁷ Alicia LeDuc, *Strategic Alliances as an Impact Litigation Model*, 25 WILLIAMETTE J. INT’L L. & DISPUTE RESOLUTION Willamette Journal of International Law and Dispute Resolution 150, 167 (2018).

⁶⁸ BRISNA CAXAJ ÁLVAREZ ET AL., *supra* note 62, at 20; see also Crosby & Lykes, *supra* note 66, at 461.

⁶⁹ KIM T. SELLINGER & JULIE FRECCERO, UC BERKELEY SCHOOL OF LAW: HUM. RTS. CTR., *THE LONG ROAD: ACCOUNTABILITY FOR SEXUAL VIOLENCE IN CONFLICT AND POST-CONFLICT SETTINGS* 35 (2015).

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ See U.N. Responding to CRSV 2022 Report, *supra* note 18, at 14.

- Partner with international organizations with experience in CRSV reparations administration to obtain technical and capacity-building support as well as CRSV training on how to work with victims and survivors.

C. Article 5(1) - Data Collection

1. Implementation

Article 5(1) directs the GDSA to count and prepare data “for female survivors.”⁷⁶ Survivors report that during the application process, they have to repeat the intimate details of the violence they suffered to multiple officials, resulting in re-traumatization.⁷⁷ Most survivors report that those in the reparations process speak down to them, discouraging them from applying for reparations.⁷⁸ Furthermore, the C4JR report also identifies an “over-documentation” of survivors’ stories,⁷⁹ that can unnecessarily retraumatize CRSV survivors. Gender-sensitive, survivor-centered data collection is essential for improving interviewing practices and preventing re-traumatization.

2. International Standards and Comparative Best Practices

Congo, Mali, and Somalia: Congo, Mali, and Somalia have all implemented Monitoring, Analysis, and Reporting Arrangements (“MARA”) Working Groups which partnered with other sectors to analyze and share CRSV data from victims and survivors for coordinating response strategies.⁸⁰

Congo: In the Congo, MARA specified a certain geographical scope of areas affected by armed conflict or areas of concern, within which it operates to monitor and report CRSV incidents.⁸¹ Additionally, MARA partnered with several organizations to harmonize reporting mechanisms, share information, and mainstream CRSV response activities among various groups, such as MONUSCO Child Protection Advisors, UNICEF, and others.⁸²

Mali: In Mali, MARA collaborated with GBV working groups to create a coordinator post dedicated to collecting and sharing information.⁸³ The working groups use separate and confidential information sheets to report CRSV case information which is then shared with the coordinator who compiles the information and distributes it to other working groups at bi-monthly

⁷⁶ See Yazidi Female Survivors Law, No. 8 of 2021 (Esra Alamiri, trans.) (Iraq), art. 5, First.

⁷⁷ C4JR Report, *supra* note 7, at 11, 13.

⁷⁸ Zoom Interview with Olivia Wells, *supra* note 26.

⁷⁹ C4JR Report, *supra* note 7, at 23.

⁸⁰ See U.N. PEACEKEEPING, PREVENTING AND RESPONDING TO CONFLICT-RELATED SEXUAL VIOLENCE 13 (2021) [hereinafter U.N. PEACEKEEPING OPERATIONS 2021 REPORT], https://peacekeeping.un.org/sites/default/files/dpo_2021_crsv_annual_summaries_of_activities_and_good_practices_english_final.pdf; see generally *Women Protection*, UNSOM, <https://unsom.unmissions.org/women-protection-0> (last visited Apr. 9, 2024).

⁸¹ U.N., HANDBOOK FOR UNITED NATIONS FIELD MISSIONS ON PREVENTING AND RESPONDING TO CONFLICT-RELATED SEXUAL VIOLENCE 74 (2020), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/06/2020.08-UN-CRSV-Handbook.pdf>.

⁸² *Id.* at 150.

⁸³ *Id.* at 85–86.

meetings and to the MARA working group.⁸⁴ As a result, the groups saw an increase in the number and consistency of reported cases and a strengthening of the capacity of reporting mechanisms.⁸⁵

Somalia: In 2017, the United Nations Assistance Mission in Somalia (“UNSOM”) established a Somali branch of MARA which was created to ensure that information on CRSV against men, women, and children was gathered in an accurate, timely, and reliable manner.⁸⁶ Through MARA, the UNSOM and the UN Office of the High Commissioner for Human Rights (“OHCHR”) have been able to gather valuable information about a vast number of CRSV cases across Somalia.⁸⁷

Syria: In Syria, UN workers and IIIM investigators use Tresorit, an encrypted cloud storage platform, to share sensitive and confidential information gathered from victims and survivors such as videos, photos, PDFs, documents, reports, and video-recorded statements.⁸⁸ Investigators typically send a link to survivors and other sources; survivors and sources open the link, follow the attached simple steps for sharing information, and upload their materials onto the link from their computer or hard drive.⁸⁹ The platform is safe and secure to use as every link created is unique and expires after a specified date.⁹⁰ Once the material is shared, it is registered and preserved in a central repository.⁹¹

3. Recommendations for Iraq

To ensure the effective and reliable collection, preparation, and storage of data on and from female victims and survivors, Iraq should adopt the following measures:

- Utilize secure document-sharing and storage platforms, like Tresorit, to collect material related to CRSV cases, victims, and survivors.
- Share NGO-collected data with the Directorate to harmonize national and international response efforts and avoid retraumatization of victims and survivors through repeated resharing of their stories; and

⁸⁴ *Id.* at 86.

⁸⁵ *Id.*

⁸⁶ *Women Protection*, *supra* note 80.

⁸⁷ UNSOM & OHCHR, PROTECTION OF CIVILIANS REPORT: BUILDING THE FOUNDATION FOR PEACE, SECURITY AND HUMAN RIGHTS IN SOMALIA, at ¶ 66 (2019), https://www.ohchr.org/sites/default/files/Documents/Countries/SO/UNSOM_protection_of_civilians_2020.pdf.

⁸⁸ Zoom Interview with Rabiaa El Garani, *supra* note 80.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

IV. INDIVIDUAL COMPENSATION AS A FORM OF REPARATIONS

A. Articles 4, 6, and 10

YSL Article 4(1)⁹² and Article 6(1)⁹³ provide an objective and legal framework for individual compensation as reparations for CRSV. Article 10 creates procedural mechanisms for accessing individual compensations, including the application and appeal processes.⁹⁴

1. Implementation

While the C4JR Report highlights individual compensation as the most effective measures implemented thus far, there are several areas for additional improvement. Primarily, the amount provided may be inadequate in addressing survivors' needs. There is also currently no differentiation in the amount provided to compensate for varying levels of harm suffered since every beneficiary receives the same lump sum.⁹⁵ "Gradation of financial payments" based on the nature of damage suffered or other criteria, such as "current social, economic, and/or physical vulnerability," may be established to further improve the quality of these survivors' lives.⁹⁶ In increasing access to appropriate payments, the C4JR recommends applying clear and consistent criteria, including considerations for disability, number of dependents, and others, to all survivors.⁹⁷ The C4JR Report also indicates a disproportionate number of female CRSV survivors expressed concerns related to the confidentiality of their applications for individual compensations,⁹⁸ as well as fear of stigmatization and discrimination by governmental bodies,⁹⁹ as prohibitions in applying for individual compensation under YSL. Regarding other burdens presented throughout the application and appeals process and the lack of accountability measures, please see Section III for further information on those limitations and comparative best practices to address those challenges.¹⁰⁰

2. International Standards and Comparative Best Practices

International Standards: The UN Secretary General's Guidance Note for Reparations for Conflict-Related Sexual Violence ("UN Guidance Note on Reparations") states that adequate reparations for CRSV survivors include compensation.¹⁰¹ When considering compensation as a form of reparations, compensation should be appropriate.¹⁰² Additionally, such compensation should be transformative, for instance, providing "women-centered economic compensation" that includes "access to productive resources or credit" that enhance financial independence and

⁹² Yazidi Female Survivors Law No. 8 of 2021 (Esra Alamiri, trans.) (Iraq), art. 4, First.

⁹³ *Id.* art. 6, First.

⁹⁴ *Id.* art. 10, Second, Third, and Fourth.

⁹⁵ C4JR Report, *supra* note 7, at 26

⁹⁶ *See id.* at 24, 26.

⁹⁷ *See id.* at 26.

⁹⁸ *See id.* at 21–22.

⁹⁹ *Id.*

¹⁰⁰ *See* Section III, *supra* pp. 15–23.

¹⁰¹ U.N. Secretary-General, Guidance Note of the Secretary-General: Reparations for Conflict-Related Sexual Violence 5–6 (June 2014) [hereinafter U.N. Guidance Note on Reparations] (on file with author).

¹⁰² *See id.* at 4, n.10.

empowerment.¹⁰³ Compensation should contribute to strengthening protections for CRSV survivors, further preventing stigma by ensuring confidentiality throughout all processes. Implementation strategies should anticipate obstacles in saving and spending money.¹⁰⁴ For instance, payments of lump-sum amounts should consider “the likelihood of money being spent quickly to meet needs of other [family members].”¹⁰⁵ Moreover, compensation should consider the moral damage suffered by survivors (and the related stigma and ostracization) resulting in the loss of potential income.¹⁰⁶

Bosnia and Mali: Regarding clear criteria for tailored monthly payments, Bosnia adopted a new law in 2023 that defined and expanded CRSV survivors’ rights.¹⁰⁷ This law further established a framework for granting them expanded benefits, including personal disability allowance, personal income allowance, assistance allowance, orthopedic treatment, and family disability allowance, enabling financial security and autonomy.¹⁰⁸ Such a law provides “women-centered economic compensation” by enabling expanded benefits based on clear and consistent criteria outlined in the law.¹⁰⁹ It ensures access to appropriate payments on a gradation adjustable to certain criteria.

To further ensure that compensation enhances economic empowerment and autonomy as an appropriate form of reparation, and to consider certain obstacles in saving and spending this money, as mandated by international standards,¹¹⁰ UN Women and the UN Development Program (“UNDP”) in Bosnia created economic projects to link survivors with markets for steady streams of income, providing tailored business training.¹¹¹ In Mali, MINUSMA provided financial literacy training sessions for CRSV survivors at its one-stop centers, exemplifying another instance of the successful integration of these standards into country practices.

3. Recommendations for Iraq

To continue adequately providing victims and survivors with the necessary tailored compensation to improve their statuses and the quality of their lives, Iraq should adopt the following measures:

¹⁰³ *Id.* at 9.

¹⁰⁴ *Id.* at 16.

¹⁰⁵ *Id.* at 16–17.

¹⁰⁶ *Id.* at 17.

¹⁰⁷ Law of Protection of Civilian War Victims (Bosn. & Herz.).

¹⁰⁸ Azem Kurtic, *Bosnia’s Federation to Extend Benefits for Civilian War Victims*, BALKAN TRANSITIONAL JUST. (June 2, 2022, 3:24 PM), <https://balkaninsight.com/2022/06/02/bosnias-federation-to-extend-benefits-for-civilian-war-victims/>; *Federation of Bosnia and Herzegovina Adopts the Law on the Protection of Civilian Victims of War*, TRIAL INT’L (Sept. 8, 2023), <https://trialinternational.org/latest-post/federation-of-bosnia-and-herzegovina-adopts-the-law-on-the-protection-of-civilian-victims-of-war/#:~:text=>. The law went into effect on January 1, 2024; results on the implementation of this law are yet unknown.

¹⁰⁹ U.N. Guidance Note on Reparations, *supra* note 101, at 9.

¹¹⁰ *Id.* at 16.

¹¹¹ U.N. WOMEN, REPARATIONS FOR CONFLICT-RELATED SEXUAL VIOLENCE: LESSONS FROM THE WESTERN BALKANS 32 (2017) [hereinafter U.N. WOMEN BALKANS 2017 REPORT], <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2018/Reparations-for-conflict-related-sexual-violence-en.pdf>.

- Fund NGOs with a track record of effective implementation of financial literacy training and business training to expand programs and opportunities to CRSV survivors;
- Provide victims and survivors with clear and consistent information on availability of and access to other benefits, such as personal disability allowance, family disability allowance, etc.; and
- Adjust monthly payments based on the level of victims' and survivors' vulnerability so that the financial assistance is effectively transformative.

V. EDUCATIONAL OPPORTUNITIES

A. Article 5(4)

Access to education is an important reparation and restitution measure for CRSV survivors. Article 5(4) stipulates that the GDSA should provide educational opportunities for female survivors and other groups covered by the YSL.¹¹²

1. Implementation

The GDSA has taken steps to implement education as a reparation measure, most notably waiving the age limit outlined by the Iraqi Ministry of Education that revokes the right to study in morning and evening public schools for students who have missed four years of schooling.¹¹³ The GDSA has partnered with a Yazidi NGO to provide education services to 200 survivors.¹¹⁴ Survivors have reported a desire for alternative forms of education outside of traditional classroom settings, especially because many older survivors do not feel comfortable being in classrooms with younger people.¹¹⁵ There is an additional need for financial literacy programs due to instances of male family members taking the reparations money of female survivors.¹¹⁶

2. International Standards and Comparative Best Practices

CAR: The NENGO Project provides socio-economic support that allows victims and survivors to access education through literacy training, small business management courses, and microcredit and scholarship programs.¹¹⁷

Congo: Survivors helped co-create and develop an interim reparative measure project that included financial management training, job coaching, and vocational training.¹¹⁸ Since 2009, 300 training sessions have been held on matters such as savings management and business skills.¹¹⁹

Mali: MINUSMA's one-stop center in Bamako provides two workshops that provide training in trades that survivors can use to obtain financial independence.¹²⁰

Somalia: The IOM and UNSOM partnered to initiate a project titled "Leveraging the strength of women in Somalia to mitigate conflict-related sexual violence (CRSV) and prevent violent extremism (PVE)" which ran from April 1, 2020, to March 31, 2021.¹²¹ This project

¹¹² Yazidi Female Survivors Law No. 8 of 2021 (Esra Alamiri, trans.) (Iraq), art 5, Fourth.

¹¹³ See C4JR Report, *supra* note 7, at 26.

¹¹⁴ *Id.* at 26–27.

¹¹⁵ Zoom Interview with Olivia Wells, *supra* note 26.

¹¹⁶ *Id.*

¹¹⁷ See NENGO Project, *supra* note 35; see also *Holistic Care for Survivors of Sexual Violence in the Central African Republic*, *supra* note 36.

¹¹⁸ *Democratic Republic of the Congo*, *supra* note 40.

¹¹⁹ *Id.*

¹²⁰ *Mali Says Stop to Gender-Based Violence (GBV)*, *supra* note 45.

¹²¹ See *Leveraging the Strength of Women in Somalia to Mitigate Conflict-related Sexual Violence (CRSV) and Prevent Violent Extremism (PVE)*, STOP RAPE NOW (Mar. 9, 2021), [hereinafter Stop Rape Now Interim Report], <https://stoprapenow.org/wp-content/uploads/2021/06/DDRR-UN-Action-Report-final.pdf>.

provided technical and vocational education training (“TVET”) and livelihood training to 123 CRSV victims and survivors who were formerly associated with Al-Shabaab.¹²²

3. Recommendations for Iraq

To create educational opportunities that will empower female survivors and other groups covered by the YSL, Iraq should adopt the following measures:

- Permanently waive the age limit on public education accessibility for female survivors and other groups covered by the YSL;
- Fund NGOs and CSOs with a track record in effective implementation to create and provide alternative education programs such as technical and vocational education, trade and livelihood skills training, and job coaching programs; and
- Fund NGOs and CSOs with a track record in effective implementation to establish and run general literacy and financial literacy programs that educate survivors and covered groups on language skills and money management skills.

¹²² *Id.* at 4.

VI. EMPLOYMENT OPPORTUNITIES

A. Article 5(5)

Article 5(5) stipulates that the GDSA provide job and employment opportunities “to enable female survivors to achieve their economic and social well-being.”¹²³

1. Implementation

Currently, there is a hiring freeze on public service employment hindering the implementation of this article.¹²⁴ The GDSA appears to have only considered public employment opportunities.¹²⁵ This section provides comparative research into the financial and economic opportunities pursued in other countries for the long-term recovery of survivors.

2. International Standards and Comparative Best Practices

International Standards: The UN Guidance Note on Reparations provides that adequate reparations are transformative, including resources that enable financial independence and empowerment, especially by considering obstacles in saving and spending money.¹²⁶

Bosnia: UN Women and the UNDP created economic projects to link survivors with markets for steady streams of income, providing tailored business training coupled with psychosocial and occupational therapy.¹²⁷ Participating businesses in the economic programs initiated by UN Women and UNDP additionally employed survivors’ family members and permitted women to essentially run the businesses, which was symbolically important for the survivors and their families.¹²⁸ Additionally, the programs were financially significant for improving long-term sufficiency.¹²⁹ Moreover, Medica Zenica and other local organizations provided economic support in their safe houses.¹³⁰ By enabling survivors and their family members to run business, attend training sessions and counseling sessions, such projects created opportunities for survivors to meaningfully participate in the private economy in ways that “do not reinforce existing stereotypes and cultural norms to [their] detriment.”¹³¹

¹²³ Yazidi Female Survivors Law No. 8 of 2021 (Esra Alamiri, trans.) (Iraq), art. 5, Fifth.

¹²⁴ The government introduced the hiring freeze into the “General Budget” of Iraq in Article 14.2, Law No. 23 of 2023. C4JR Report, *supra* note 7, at 26.

¹²⁵ *See id.*

¹²⁶ U.N. Guidance Note on Reparations, *supra* note 101, at 5–6, 16.

¹²⁷ U.N. WOMEN BALKANS 2017 REPORT, *supra* note 111, at 32.

¹²⁸ *Id.*

¹²⁹ *See* UN-SG Report, *supra* note 18, at 9.

¹³⁰ Many of these services, however, were restricted to large cities and could not be accessed by those in remote locations. *See* LAURA J. SHEPHERD, NATIONAL ACTION PLAN FOR THE IMPLEMENTATION OF UNSCR 1325 “WOMEN, PEACE AND SECURITY” IN BOSNIA AND HERZEGOVINA FOR THE PERIOD 2018–2022: UNOFFICIAL TRANSLATION 19 (Oct. 2017) [hereinafter BIH NATIONAL ACTION PLAN 2018–2022], <https://www.wpsnaps.org/app/uploads/2019/09/Bosnia-and-Herzegovina-NAP-3-2018-2022-English-translation-DP160100212-.pdf>; 27 SABIHA HUSIC, CHILDREN AND POST-CONFLICT TRAUMA, 27 REFUGEE SURV. Q. 164, 164 (2008).

¹³¹ UN-SG Report, *supra* note 18, at 16.

Congo: The Congo’s Gender-Based Violence Prevention and Response Project employed one-stop centers in North and South Kivu, employing a range of services that included community-level economic services.¹³² These services provided training in agriculture, livestock, breadmaking, and others, for long-term recovery for women in these areas.¹³³ These services reached over 8,500 participants.¹³⁴ Such centers provide employment opportunities outside the public sector.

Kosovo: Through the Gender Sensitive Transitional Justice (“GSTJ”) Program established by UN Women in Kosovo, UN Women founded a pilot program linking reparations with multi-sectoral development measures in a micro-grant project, assisting 177 survivors in starting or scaling small businesses to create “synergies with future reparations.”¹³⁵ Through the micro-grant project, survivors were “able to purchase raw materials, livestock and other resources needed for their small business,” managing their businesses while becoming financially independent.¹³⁶ From this program, survivors reported increased autonomy, improved family relations, and a “renewed sense of hope for life and the future.”¹³⁷ Such micro-grants serve as important inflection points to trigger changes to the “structural conditions that made such violence possible” and to enhance self-sufficiency, providing survivors with a place in the private economy.¹³⁸

Moreover, the UN Mission in Kosovo (“UNMIK”), in partnership with local groups such as Medica Kosova, Medica Gjakova, and the Farmer’s Cooperative, delivered psychosocial, gynecological, legal, and economic support and job training for long-term rehabilitation and reintegration.¹³⁹ Separately, Medica Kosova also instituted “small-scale income generation activities,” including honey-making, cheese-making, dairy farming, and other training and skill-building opportunities through resources and equipment provided by local agricultural offices and donors.¹⁴⁰ Medica Gjakova also provided agricultural activities.¹⁴¹ Kosova Rehabilitation Center for Torture Victims (“KRCT”) partnered with the Center for the Promotion of Women’s Rights to establish a textile workshop for survivors to produce clothes for order.¹⁴² The success of these

¹³² Albert Zeufack, *supra* note 43.

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ HENRI MYRTTINEN & NICOLA POPOVIC, U.N. WOMEN, “WE WERE LIKE CAGED BIRDS, THIS GAVE US WINGS TO FLY”: A REVIEW OF UN WOMEN PROGRAMMING ON GENDER-SENSITIVE TRANSITIONAL JUSTICE 29 (2019), <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2019/A-review-of-UN-Women-programming-on-gender-sensitive-transitional-justice-en.pdf>.

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ See UN-SG Report, *supra* note 18, at 9.

¹³⁹ *Healing the Spirit: Reparations for Survivors Of Sexual Violence Related to The Armed Conflict in Kosovo*, OFFICE OF THE U.N. HIGH COMM’R FOR HUM. RTS. 56 (2013), <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/PeaceAndSecurity/StudyHealingTheSpirit.pdf>.

¹⁴⁰ Medica Kosova was also able to secure larger equipment, such as tractors, to ensure constant income generation for women. U.N. WOMEN, THE CONFLICT DID NOT BRING US FLOWERS: THE NEED FOR COMPREHENSIVE REPARATIONS FOR SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE IN KOSOVO 34 (2016) [hereinafter THE CONFLICT DID NOT BRING US FLOWERS], https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2016/The-Conglict-DId-Not-Bring-Us-Flowers_ENG.pdf.

¹⁴¹ *Id.*

¹⁴² *Id.*

activities relied on various factors, such as access to quality products and markets to sell the projects; however, the NGOs met these challenges by employing experienced staff members to advise and assist the women survivors.¹⁴³ By partnering with local groups to provide economic programs that support self-sufficiency and providing survivors with opportunities to participate in the local economy, UNMIK’s projects align well with international standards.¹⁴⁴

The Kosovo National Council also developed a new initiative with Medica Gjakova and the KRCT to train a small group of survivors to find long-term work placements.¹⁴⁵ The project involved a three-month training program for 20 survivors that was job-specific.¹⁴⁶ Although only 13 survivors finished the training due to distance from training locations, four found employment following the course.¹⁴⁷ Moreover, survivors reported feelings of “normalization” from “having somewhere to be and something to do during work hours.” and the four who were employed reported the consistent employment to be “life-changing.”¹⁴⁸ For these survivors, a focused training program provided by the government with an employment line could prove to be transformative.¹⁴⁹

Mali: In Mali, MINUSMA established 15 one-stop centers that provided safe shelters and services, including financial training sessions.¹⁵⁰ Providing financial training sessions enables access to productive tools and resources that will allow survivors to form an understanding of managing their finances and become self-sufficient as provided by international standards.¹⁵¹ Such programs additionally may help enable survivors to sustain jobs outside the public sector and in the private economy.

Somalia: In Somalia, the IOM and UNSOM partnered for a project titled “Leveraging the strength of women in Somalia to mitigate conflict-related sexual violence (CRSV) and prevent violent extremism (PVE)” which ran from April 1, 2020 to March 31, 2021.¹⁵² This project provided reintegration services such as TVET and livelihood training to 123 CRSV victims and survivors who were formerly associated with Al-Shabaab.¹⁵³ For example, in January and February 2021, the IOM initiated livelihood activities in industrial tailoring, permagardening, and restaurant management in the cities of Kismayo and Baido.¹⁵⁴ Furthermore, TVET skill training in beekeeping, honey manufacturing, tree nursery establishment, and tree management was provided

¹⁴³ A remaining challenge is creating long-term income generation activities rather than these current small-scale ones. *Id.*

¹⁴⁴ See UNHCR, *UNHCR Policy on the Prevention of, Risk Mitigation, and Response to Gender-Based Violence 7*, UNHCR/HCP/2020/01 (Oct. 2020) [hereinafter UNHCR Policy on GBR Responses].

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ The report notes that the training was job-specific and whether the skills developed were transferable to other roles is unknown. *Id.*

¹⁴⁸ *Id.* at 34–35.

¹⁴⁹ See UN-SG Report, *supra* note 18, at 9.

¹⁵⁰ *Id.* at 26; *Mali Says Stop to Gender-Based Violence*, *supra* note 45. These one-stop centers were mostly established in regional capitals, limiting access to survivors from remote locations.

¹⁵¹ See *Minimum Standards*, *supra* note 33, at 52; UNHCR Policy on GBR Responses, *supra* note 144.

¹⁵² See generally *Stop Rape Now Interim Report*, *supra* note 121.

¹⁵³ *Id.* at 4.

¹⁵⁴ See IOM, IOM SOMALIA EXTERNAL UPDATES JANUARY AND FEBRUARY 10 (2021), https://www.iom.int/sites/g/files/tmzbdl486/files/situation_reports/file/iom_somalia_external_updates_january_and_february_2021.pdf.

to 50 individuals—comprising 22 men and 28 women—in partnership with Hano Academy, an “academic progression and polytechnic academy” located in Mogadishu that offers TVET among other programs.¹⁵⁵ This project was implemented in the Balcad District of Somalia, a traditional farming region, and participants learned the importance of conservation in addition to beekeeping techniques, providing survivors with opportunities in the private economy.¹⁵⁶

3. Recommendations for Iraq

To provide job and employment opportunities that “enable female survivors to achieve their economic and social well-being,” Iraq should adopt the following measures, focusing on opportunities outside of the public sector and achieving long-term economic empowerment and self-sufficiency:

- Fund local NGOs with a reputable track record, to provide:
 - Technical, vocational, and livelihood training programs for general work-readiness;
 - Individual and community-level job training services tailored to the specific regional markets, industries, and needs for small-scale income generation activities (i.e., livestock rearing, breadmaking, honey-making, cheesemaking, beekeeping, textile making, etc.); and
 - Financial training sessions that teach survivors how to better manage their finances;
- Allocate resources to NGOs to develop micro-grant projects that enable survivors to start or scale small businesses; and
- Include local businesses in economic initiatives employing survivors and their family members.

¹⁵⁵ See *id.* at 13; see also *About Us*, HANO ACAD., <https://www.hanoacademy.edu.so/about-us/> (last visited Apr. 9, 2024).

¹⁵⁶ See IOM SOMALIA EXTERNAL UPDATES JANUARY AND FEBRUARY, *supra* note 154, at 13.

VII. HEALTH AND PSYCHOLOGICAL REHABILITATION CENTERS

A. Article 5(6)

Article 5(6) calls for the establishment of health and psychological rehabilitation centers inside and outside Iraq.¹⁵⁷

1. Implementation

Of the respondents surveyed by the C4JR, 18% stated that medical services were urgently needed and 11% stated that mental health and psychosocial support (“MHPSS”) services were urgently needed.¹⁵⁸ On March 25, 2023, the GDSA and eight CSOs signed an agreement that established a referral system where victims and survivors in need of MHPSS services could obtain those services through the signatory CSOs.¹⁵⁹ So far, 86 survivors have received referrals.¹⁶⁰ The C4JR Report points to the need for a viable system of care that provides quality services at locations that are accessible for all CRSV survivors and their families.¹⁶¹

2. International Standards and Comparative Best Practices

International Standards: The right to rehabilitation is a central component of any remedy and reparation measures for CRSV survivors and victims under international law.¹⁶² UN Women notes that health and psychological rehabilitation centers should accord to the following international standards: availability, accessibility, adaptability, appropriateness, safety prioritization, informed consent and confidentiality, effective communication with and participation by stakeholders, data collection, and connections with other sectors.¹⁶³

Bosnia: Between 2014 to 2017, Bosnia partnered with several UN agencies to initiate the “Seeking Care, Support and Justice for Survivors of Conflict Related Sexual Violence” program, which aimed to provide holistic rehabilitation to female victims regardless of their place of residence.¹⁶⁴ Services included the delivery of resource packages in certain cantons to treat survivors of rape during the war.¹⁶⁵ Since the end of the war, most services have been centered around psychological and economic assistance. For example, Medica Zenica, one of the first women’s NGOs established during the war, founded the first women’s therapy center to assist women and children survivors with specialized support such as long-term psychological counseling.¹⁶⁶

¹⁵⁷ Yazidi Female Survivors Law, No. 8 of 2021 (Esra Alamiri, trans.) (Iraq), art. 5, Sixth.

¹⁵⁸ See C4JR Report, *supra* note 7, at 18.

¹⁵⁹ *Id.* at 28.

¹⁶⁰ *Id.*

¹⁶¹ *Id.* at 45.

¹⁶² G.A. Res. 60/147, ¶ 18 (Dec. 16, 2005).

¹⁶³ U.N. WOMEN ET AL., ESSENTIAL SERVICES PACKAGE FOR WOMEN AND GIRLS SUBJECT TO VIOLENCE 14–16 (2015), <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2015/Essential-Services-Package-en.pdf>.

¹⁶⁴ BiH NATIONAL ACTION PLAN 2018–2022, *supra* note 130, at 19.

¹⁶⁵ *Id.*

¹⁶⁶ INESSA ADILKHANYAN ET AL., WOMEN AGAINST VIOLENCE EUR., PREVENTING AND RESPONDING TO GENDER-BASED VIOLENCE DURING THE WAR AND IN POST-WAR SETTINGS 44 (2022).

CAR: In the CAR, the NENGO Project provides medical and psychological care such as treatment for gynecological issues such as genital mutilation and fistulas, rape, and physical assault.¹⁶⁷ The project also provides updated training for the obstetrics/gynecology and maternity units and psychologists at the hospital so that they are better able to treat patients.¹⁶⁸ Other organizations, such as Medecins Sans Frontieres, have provided additional medical support across the CAR.¹⁶⁹ MSF ran twelve projects providing treatments and medical services such as contraception for unwanted pregnancies, prophylaxis for HIV exposure, and vaccinations against tetanus and hepatitis B in the CAR's rural areas.¹⁷⁰

Congo: One-stop centers in Eastern Congo offer a range of services including psychological and medical support.¹⁷¹ Additionally, NGOs have established medical facilities, psychological support centers, and community centers for survivors.¹⁷² NGOs also operate mobile clinics and referral networks to ensure comprehensive care for those in need.¹⁷³

Kosovo: UN organizations collaborated with civil society organizations to offer support in the form of psychological and economic services.¹⁷⁴ KRCT and Medica Gjakova have medical professionals available to provide diagnostic, screening, and referral services.¹⁷⁵ The Kosovo National Council also reached an agreement with a Turkish aid agency to supply women's hygiene products, medical supplies, and tests like pap smears and blood tests to Medica Gjakova.¹⁷⁶

Mali: Mali's November 2022 reparations law provided free medical services and rehabilitation services for survivors and their children born from rape.¹⁷⁷ In October 2021, MINUSMA and the Mali government finalized a three-year Action Plan to implement the 2019 joint communique with specific provisions to provide multi-sectoral care for CRSV survivors, including access to medical support, psychosocial support, and security and protection.¹⁷⁸ Other local organizations have worked to provide services. For example, Réseau des Femmes Leaders pour le Développement offers individual and group consultation sessions and therapeutic activities.¹⁷⁹

¹⁶⁷ NENGO Project, *supra* note 35.

¹⁶⁸ *Id.*

¹⁶⁹ MSF'S FINDINGS ON SEXUAL VIOLENCE IN CAR, *supra* note 16, at 5.

¹⁷⁰ *Id.* at 3.

¹⁷¹ Zeufack, *supra* note 43.

¹⁷² *An Inside Look at Life-Saving Mobile Clinics in the Democratic Republic of the Congo*, *supra* note 42.

¹⁷³ *Id.*

¹⁷⁴ *Healing the Spirit: Reparations for Survivors Of Sexual Violence Related to The Armed Conflict in Kosovo*, *supra* note 139, at 56.

¹⁷⁵ THE CONFLICT DID NOT BRING US FLOWERS, *supra* note 140, at 35.

¹⁷⁶ *Id.*

¹⁷⁷ U.N. Responding to CRSV 2022 Report, *supra* note 18, at 14.

¹⁷⁸ UN-SG Report, *supra* note 18, at 26; *Mali Says Stop to Gender-Based Violence (GBV)*, *supra* note 45; see also U.N. Secretary-General, *Internal Review of the United Nations Multidimensional Integrated Stabilization Mission in Mali* 8, U.N. Doc. S/2023/36 (Jan. 16, 2023), https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2023_36.pdf.

¹⁷⁹ *In Mali, Women Face the Added Burden of Sexual Violence: A Weapon of War That Demands Urgent Action*, WOMEN LEADERS NETWORK FOR DEV. (Dec. 22, 2023), <https://rflgd.org/2023/12/22/in-mali-women-face-the-added-burden-of-sexual-violence-a-weapon-of-war-that-demands-urgent-action/>.

3. Recommendations for Iraq

To protect the right to rehabilitation for CRSV victims, survivors and their families, and ensure the establishment of adequate, accessible, and appropriate health, and mental health and psychosocial services (MHPSS) inside and outside Iraq, Iraq should adopt the following measures:

- Partner with UN agencies and local NGOs to create rehabilitation programs and referral services that provide long-term physical and psychological support to victims, survivors, and their families;
- Fund NGOs and CSOs with an established reputable record to develop and run holistic one-stop centers in major and rural cities to ensure all victims and survivors receive necessary care, within the wider meaning of rehabilitation;
- Fund and utilize mobile clinics to provide isolated and vulnerable groups with comprehensive care;
- Provide wide-ranging physical health, mental health, and psychosocial services addressing specific population needs such as reproductive health care, contraception (including emergency contraceptive methods), HIV/AIDS treatment and prevention, therapy and counseling for mothers and children, as well as accessible immunization, particularly for people in remote areas.

VIII. LAND AND HOUSING PROVISIONS

A. Article 6(2)

Land ownership rights and access to housing are essential reparation and restitution measures, particularly in the context of people returning and aiming to be reintegrated into their communities. Article 6(2) allocates a residential plot of land with a real estate loan or a housing unit for survivors covered by the provisions of the YSL.¹⁸⁰

1. Implementation

Though no geographic restrictions were included in the text of the law, most of the land allocations occurred in Sinjar.¹⁸¹ The land distribution mechanisms were discussed and decided by the GDSA with regional governments approving “250 plots in Sinjar and 12 in Tel Afar.”¹⁸² IDPs face difficulty with this land grant as the allocations and loans are only available in specific locations.¹⁸³ Furthermore, the certificates of land occupancy are typically issued with delay.¹⁸⁴ Additionally, many victims fled to Europe because their homes were destroyed, and many of these destroyed homes have not been rebuilt.¹⁸⁵

2. International Standards and Comparative Best Practices

Kosovo: In 2015, the Kosovo National Council and various civil society actors amended the Law on the Status and the Rights of the Martyrs to provide CRSV survivors with benefits such as property tax waivers and a collective housing program.¹⁸⁶ In Kosovo, the government views residential care as a right, and it engages with this right by providing family housing through the construction of collective social housing.¹⁸⁷ The residential care program establishes a collective social housing provision for CRSV victims.¹⁸⁸

Rwanda: AVEGA-Agahozo, an organization that supports women survivors of the Rwandan genocide, provides housing support to survivors through the *Kuremera abatishboye* program.¹⁸⁹ Additionally, Rwandans from Gatsibo District began a mission to welcome widows from the genocide against the Tutsis.¹⁹⁰ They repair old houses and buildings to provide widowed

¹⁸⁰ See Yazidi Female Survivors Law, No. 8 of 2021 (Iraq), art. 6, Second.

¹⁸¹ INTER-AGENCY STANDING COMM., FRAMEWORK ON DURABLE SOLUTIONS FOR INTERNALLY DISPLACED PERSONS 27 (2010), <https://www.unhcr.org/sites/default/files/legacy-pdf/50f94cd49.pdf>.

¹⁸² See C4JR Report, *supra* note 7, at 27.

¹⁸³ See *id.* at 8.

¹⁸⁴ See *id.* at 29.

¹⁸⁵ Zoom Interview with Rabiaa El Garani, *supra* note 47.

¹⁸⁶ See *id.*

¹⁸⁷ THE CONFLICT DID NOT BRING US FLOWERS, *supra* note 140, at 30.

¹⁸⁸ *Id.*; see also Law No. 04/L-054 (Kosovo), art. 6(6).

¹⁸⁹ AVEGA-Agahozo: *The Association of the Genocide Widows Agahozo*, AVEGA AGAHOZO, <https://avega-agahozo.org/#>, (last visited Apr. 9, 2024).

¹⁹⁰ *Gatsibo: The Campaign to Recognize Vulnerable Genocide Survivors has been launched*, PANORAMA (May 16, 2016), <https://panorama.rw/gatsibo-hatangijwe-igikorwa-cyo-kuremera-abatishoboye-barokotse-jenoside/>.

survivors homes with metal roofs, water tanks, bathrooms, and kitchens.¹⁹¹ Since 2016, more than 15 homes have been constructed.¹⁹²

3. Recommendations for Iraq

While the land granting program is beneficial, the Iraqi government could further assist victims and survivors by taking the following actions:

- Implement property tax waivers for CRSV survivors to mitigate financial burdens;
- Establish a residential care program that prioritizes the integration of residents for those residing in collective social housing; and
- Partner with international NGOs and UN agencies to fund, construct and renovate homes for survivors.

¹⁹¹ *Id.*

¹⁹² *Id.*

IX. MEMORIALIZATION AND AWARENESS-RAISING CAMPAIGNS

A. Article 8

Article 8 establishes August 3rd as a National Day of Commemoration and publicization of the crimes committed against the Yazidis and others.¹⁹³ Article 8 additionally mandates the Ministry of Culture, the Municipality of Baghdad, and other concerned authorities to take necessary measures to erect monuments, statues, and exhibitions to commemorate victims and survivors.¹⁹⁴

1. Implementation

Prime Minister Mohammed Shia' Al-Sudani directed ministers and relevant authorities to develop a memorial in Baghdad, including art exhibitions, documenting the genocide against the Yazidis and other victims and survivors.¹⁹⁵ Prime Minister Al-Sudani has also coordinated with a nonprofit organization to commemorate the ninth anniversary of the Yazidi Genocide.¹⁹⁶ Despite these efforts, nothing has materialized yet except for the Yazidi Genocide Memorial in Sinjar, which opened in October 2023.¹⁹⁷ The Iraqi government has also failed to make August 3rd a national day of remembrance in its official calendar.¹⁹⁸

2. International Standards and Comparative Best Practices

International Standards: The OHCHR defines reparations as any measure used to “redress violations of human rights by providing a range of material and symbolic benefits to victims or their families as well as affected communities.”¹⁹⁹ Different forms of reparations include “restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.”²⁰⁰ Memorials, monuments, apologies, and commemorations fall under the “satisfaction” categorization.²⁰¹ Satisfaction reparations are used to remember and pay tribute to CRSV victims and survivors.²⁰² The goal of spreading CRSV awareness to the public should be to “change attitudes, behaviors, and beliefs that normalize CRSV.”²⁰³

¹⁹³ See Yazidi Female Survivors Law, No. 8 of 2021 (Esra Alamiri, trans.) (Iraq), art. 8, First.

¹⁹⁴ *Id.* art. 8, Second.

¹⁹⁵ See C4JR Report, *supra* note 7, at 30.

¹⁹⁶ *Id.* at 29–30.

¹⁹⁷ *Id.* at 30.

¹⁹⁸ *Id.* at 29.

¹⁹⁹ *Reparations*, OHCHR, <https://www.ohchr.org/en/transitional-justice/reparations> (last visited Apr. 22, 2024).

²⁰⁰ U.N. Guidance Note on Reparations, *supra* note 101, at 1.

²⁰¹ *Id.* at 17.

²⁰² *Id.* at 18.

²⁰³ See UNDPO, *Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence* 57 (June 2020) [hereinafter *Handbook for Preventing and Responding to CRSV*], <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/06/2020.08-UN-CRSV-Handbook.pdf>.

a. Memorialization Best Practices

Guatemala: Following the *Sepur Zarco* case, the court ordered specific memorialization measures, focusing on the wide acknowledgment of CRSV.²⁰⁴ These measures included the designation of February 26 as a National Day of Victims of Sexual Violence, Slavery, and Domestic Violence,²⁰⁵ development of a curriculum focusing on denormalization of violence, annual cultural events memorializing the genocide with supporting materials translated into all indigenous languages to increase access and awareness, incorporation of memorialization materials in school materials, the creation of a documentary about the women of *Sepur Zarco*, and the translation of the court decision in 24 Mayan languages.²⁰⁶

b. Awareness-Raising Best Practices

Bosnia: The Seeking Care Joint Program launched localized stigma alleviation plans that engaged young community leaders in traditional and digital public awareness projects mobilizing government and religious leaders.²⁰⁷ These campaigns involved clergy members from Christian and Islamic societies and other faiths. Approximately 350 people participated in related advocacy activities in the pilot communities to alleviate stigma.²⁰⁸ Moreover, in June 2017, leaders from these religious communities signed a declaration denouncing CRSV stigmatization and calling for religious leaders' involvement in fighting impunity and social exclusion.²⁰⁹

Kosovo: Community leaders, such as mayors, celebrities, and activists, publicly funded and supported awareness campaigns through panel discussions, songs, movies, art installations, and theater and street performances.²¹⁰ The Kosovo National Council, with the vocal patronage of the Kosovo President, instituted most of these activities.²¹¹ Moreover, President Jahjaga herself met with many survivors in semi-regular meetings, which have reportedly created pathways to dialogue and increased social status for survivors.²¹²

Mali: MINUSMA utilized public information tools, such as social media platforms and radio programs, to raise awareness and promote the empowerment of survivors, especially during specific designated days and campaigns.²¹³ Additionally, MINUSMA organized awareness-raising workshops involving multiple stakeholders, such as women and community leaders.²¹⁴ At the request of many of the organizations it was working with, in 2022 MINUSMA provided

²⁰⁴ BRISNA CAXAJ ÁLVAREZ ET AL., *supra* note 62, at 44–45.

²⁰⁵ This provision is yet to be approved by Congress. *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Joint Programme Seeking Care, Support and Justice for Survivors of Conflict Related Sexual Violence*, U.N.: MPTF OFFICE PARTNERS GATEWAY, <https://mptf.undp.org/fund/jba00> (last visited Apr. 15, 2024). Information is found when pressing the “More Results” tab under the “Key Results” subsection.

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ THE CONFLICT DID NOT BRING US FLOWERS, *supra* note 140, at 35–36.

²¹¹ *Id.* at 36. An installation titled “Thinking of You” was created in 2015 under President Jahjaga’s patronage and call to donate dresses to the art installation as a sign of solidarity.

²¹² *Id.*

²¹³ UN-SG Report, *supra* note 18, at 13.

²¹⁴ *Id.*

sensitization training to 1,845 participants.²¹⁵ Furthermore, in collaboration with a local NGO, MINUSMA operated a mobile cinema session that featured a film created by the Truth, Justice, and Reconciliation Commission showcasing 10 testimonies of survivors of sexual- and gender-based violence to sensitize the 500 participants to sexual violence.²¹⁶ MINUSMA further made a presentation on CRSV to 1,000 participants during the opening ceremony of the International Forum on Sports in Bamako.²¹⁷ Mali's Women's Protection Adviser additionally talked on radio shows with other UN entities to address CRSV on the International Day for the Elimination of Sexual Violence in Conflict.²¹⁸

3. Recommendations for Iraq

To ensure proper memorialization and commemoration of the Yazidi genocide, and to destigmatize CRSV by raising awareness across all sectors, Iraq should take the following actions:

- Memorialize August 3rd as a national day of remembrance in Iraq's official calendar;
- Create and implement awareness-raising campaigns that use various mediums such as radio, film, artworks, social media, and panels to educate various stakeholders about the Yazidi Genocide, CRSV, and the experiences of victims and survivors;
- Actively encourage community leaders such as government officials, religious leaders, and celebrities, to explicitly denounce the perpetration and stigmatization of CRSV and publicly meet with survivors;
- Translate memorialization and awareness-raising information into the languages of minority groups to increase accessibility;
- Incorporate memorialization material into school material for children that is easily digestible; and
- Facilitate community-led memorialization initiatives in collaboration with the government and local NGOs.

²¹⁵ U.N. Responding to CRSV 2022 Report, *supra* note 18, at 21.

²¹⁶ *Id.* at 18.

²¹⁷ *Id.*

²¹⁸ *Id.*

X. CONCLUSION

As we approach the tenth anniversary of the beginning of ISIL’s attacks in Iraq, many CRSV survivors still report challenges with accessing and receiving reparations. While the YSL provides opportunities to improve the quality of survivors’ lives — and notwithstanding its success in providing some needed and transformative reparations, such as monthly compensation — several reported limitations are effectively hindering its full implementation and limiting its scope in providing effective reparations that align with international standards and best practices. Identified limitations include defining eligibility and scope of the law; building proper, adequate, and accessible institutional structures; and providing tailored compensation, transformative educational and employment opportunities, accessible and safe health and psychological rehabilitation centers, conscious land and housing provisions, and effective memorialization and awareness-raising campaigns. Following international standards from various UN entities and comparative best practices in Bosnia, the Congo, the CAR, Guatemala, Kosovo, Liberia, Mali, Rwanda, Somalia, and Syria, this report developed a series of comprehensive recommendations to the Iraqi government and GDSA, for each of the identified limitations. It is noteworthy that the efforts on the ground aim to include reputable local NGOs and CSOs as well as international organizations, and more importantly, to respond to feedback generated by CRSV survivors. These recommendations aim to further support such engagements, fostering an effective implementation of the YSL, with the full range of reparation and rehabilitation measures needed to restore the rights and dignity of CRSV survivors. The YSL is a historic milestone. It is our hope that its full and effective implementation can establish the Iraqi response as an international best practice.