SEEKING ACCOUNTABILITY AND PREVENTING REOCCURRENCE: ADDRESSING CONFLICT-RELATED SEXUAL SLAVERY THROUGH THE WOMEN, PEACE, AND SECURITY AGENDA

CASE STUDY: CONFLICT-RELATED SEXUAL SLAVERY AND THE YAZIDI GENOCIDE, IRAQ
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Acknowledgments
We thank the survivors of conflict-related sexual slavery, women’s rights activists, local and national government officials, human rights lawyers, and grassroots peacebuilders in South Korea, Uganda, and Iraq whose generous participation in focus group discussions and key informant interviews made this research possible. We hope that this research will inform and strengthen the global response to conflict-related sexual slavery and survivor-centered implementation of the Women, Peace, and Security Agenda.

Special thanks goes to global policymakers who provided valuable insights to this research through key informant interviews.

We are grateful to the Korean International Cooperation Agency for their generous support, continuous partnership, and valuable inputs into the research. We express deep gratitude to Stephanie Kim, Gender Specialist, Program Strategy and Policy Planning Department, for her guidance and substantive inputs into the research.
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List of Acronyms

CEDAW: Convention on the Elimination of all forms of Discrimination Against Women
C4JR: Coalition for Just Reparation
CIGE: Commission of Investigation and Gathering Evidence
FGD: Focus Group Discussion
FYF: Free Yazidi Foundation
GNWP: Global Network of Women Peacebuilders
ID: Identification Document
IDP: Internally Displaced Person
IOM: International Organization for Migration
IPC: Iraqi Penal Code
ISIS: Islamic State of Iraq and Syria
KII: Key Informant Interview
KRI: Kurdistan Region of Iraq
NAP: National Action Plan
NGO: Non-Governmental Organization
CSO: Civil Society Organization
SGBV: Sexual and Gendered-Based Violence
UNITAD: United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/Islamic State in Iraq and the Levant
YSN: Yazidi Survivor Network
WPS: Women, Peace, and Security
1. Executive Summary

In the early hours of the morning of August 3, 2014, fighters from the terrorist group calling itself the Islamic State of Iraq and Syria (ISIS) left their bases in Iraq and Syria and moved towards the Sinjar region in northwest Iraq. From the beginning of the attack, it was clear that ISIS was systematically targeting the Yazidi minority community. These crimes were later classified by the United Nations Commission of Syrian Arab Republic as acts of genocide.¹ Thousands of Yazidi women and girls were forced into sexual slavery. Their enslavement included sexual, physical, and emotional abuse. They were also taken into domestic servitude and forcefully converted to Islam. Most of the Yazidi women and girls that have survived ISIS captivity live in camps for internally displaced persons, unfinished buildings, tents, and rented accommodation in the Kurdistan region of Iraq. Some of them have returned to the Sinjar Region. The survivors live in extremely challenging conditions and struggle to meet their daily needs, such as food, water, and clothing. They suffer from a lack of adequate and reliable access to medical care, legal support, and job opportunities. In addition, survivors bear the brunt of emotional trauma from the atrocities that they were subjected to and witnessed.

In response to the significantly disproportionate impact of conflict experienced by women and girls, Iraq adopted a National Action Plan (NAP) on Women, Peace, and Security in 2014, making it the first country in the Middle East to do so. A second version of the NAP was recently developed. Under the NAP, each Yazidi survivor is entitled to justice and accountability for sexual slavery, amongst other human rights violations. However, the NAP still fails to meet the specific needs of Yazidi survivors of sexual slavery as extensively and comprehensively as it could. Additionally, the Iraqi legal system lacks laws that prohibit and punish crimes of genocide, against humanity, and of war, including the crime of conflict-related sexual slavery. There are also several discriminatory laws within the Iraqi legal framework that excuse perpetrators of violence against women of their actions in certain contexts. These gaps within the national judicial system reduce opportunities for survivors to seek justice and adequate redress, and prevent ISIS combatants from being held accountable for the crimes they committed. The Yazidi Female Survivor Bill serves as an important avenue for women and girls who suffered through conflict-related sexual slavery to seek adequate justice and redress from the Iraqi State.² Despite its importance and urgency, the bill still has not been passed by the Iraqi Parliament.

The Women, Peace, and Security (WPS) Agenda is a critical tool for Yazidi survivors, supported by women’s rights organizations, to prevent the reoccurrence of, protect women and girls from, strengthen accountability for, and seek adequate relief and recovery services for conflict-related sexual slavery committed by ISIS in Iraq. Empowering and ensuring the meaningful participation of Yazidi survivors at all levels of decision-making on peace and security is critical for progress towards the achievement of gender equality, sustainable peace, and national healing from the crimes of

genocide. Despite widespread international attention to the Yazidi genocide, accountability and justice remain elusive. It is the responsibility of the international community to strengthen the response to conflict-related sexual slavery in Iraq and prevent reoccurrence.

2. Research Methods and Approaches

This case study report is part of the Global Network of Women Peacebuilders’ (GNWP) research on conflict-related sexual slavery titled "Seeking Accountability and Preventing Reoccurrence: Addressing Conflict-Related Sexual Slavery through the Women, Peace, and Security Agenda." The research was carried out between July and September 2020 through key informant interviews (KII), focus group discussions (FGD), and a national literature review. All interviews were conducted online in adherence with national restrictions imposed due to the COVID-19 pandemic.

In total, the researcher interviewed 23 individuals, including representatives from national governmental institutions, local civil society, international organizations, the United Nations, legal institutions, academia, and networks of Yazidi survivors. Interviewees and FGD participants were selected according to their knowledge of the Yazidi genocide, work with Yazidi survivors and communities, expertise on the Iraqi National Action Plan on Women, Peace, and Security (INAP), and knowledge of national and global legal frameworks for war crimes and genocide. Open-ended questions were used to allow respondents to elaborate on their experience and views of the conflict-related sexual slavery inflicted upon Yazidi people. The interviews were conducted in English, Arabic, and Kurdish. All the findings were translated into English.

The researcher informed interviewees about the nature and purpose of the research in advance, as well as how the information would be used. Oral consent was obtained from the participants in advance of the interviews and FGD. The names of some staff members of international and national non-governmental organizations (NGO) have been omitted at their request, to preserve their anonymity and ability to work without constraints in Iraq. In most cases, the dates of interviews with NGO staff have been included.

In order to prevent re-traumatization of Yazidi survivors of conflict-related sexual slavery who have participated in numerous interviews with national and international actors, the researcher did not interview survivors in Iraq. Instead, the researcher gathered perspectives of local civil society and Yazidi activists who work with survivors of conflict-related sexual slavery. The researcher interviewed one Yazidi survivor, who runs her own civil society organization abroad. Following ethical guidelines, the researcher made every effort to avoid asking questions that could trigger any form of trauma, especially questions around the story of the survivor’s captivity.

This case study focuses on the gaps in the prevention of, protection from, accountability for, and relief and recovery services for survivors of conflict-related sexual slavery in Iraq, specifically analyzing the implementation of the Iraq’s NAP on WPS. The research outlines challenges faced by
Yazidi survivors of conflict-related sexual slavery in seeking adequate justice and redress. It makes recommendations for a strengthened global response to the crime.

3. The Drivers and Impacts of Conflict-Related Sexual Slavery in Iraq

“The soul of the survivor is dead. She exists only through her body. If mentally she is dead, let us do something physical for her and her children at least,” expressed Suzan Khudir, a Yazidi lawyer. The historical persecution of the Yazidi community as a religious minority created conditions in which widespread conflict-related sexual slavery could be committed systematically by ISIS. The significant mental, physical, and social impact of conflict-related sexual slavery on Yazidi women and girls remains inadequately addressed, leaving the community grieving and struggling to heal.

The terrorist group known as the Islamic State of Iraq and Syria (ISIS) took over Ninewa Governorate and other surrounding areas in June 2014, following clashes with the Iraqi Army. Two months after its occupation of Ninewa, ISIS advanced towards the Sinjar Region in northwest Iraq. At the time, it was the home to a majority of the world’s Yazidi population, an ancient religious minority, consisting of approximately 400,000 people in the Sinjar region. This genocidal attack on the Yazidis was not the first of its type. Yazidis, as a religious minority, have been persecuted for their religious practices throughout history from as early as the 16th century.

The Yazidi community recognizes 74 genocides throughout history, including massacres that occurred in 1640, 1715, 1832, and 1890. Sexual violence in conflict has also been a recurring fixture of these attacks on the Yazidi community. For example, in 1837, Hafiz Pasha, the “Wali” or governor of Diyarbakir in the Ottoman Empire, besieged Yazidis who had fled to Sinjar Mountain. His troops kidnapped, enslaved, trafficked, and sold an unknown number of Yazidi women in Marden, a Turkish city 115 kilometers northwest. Critically, attacks on the Yazidi minority committed before ISIS were based on similar prejudices of the community being considered “Kuffar” (devil worshippers or infidels). As these misperceptions remained unaddressed throughout history, they served as propaganda and justification for ISIS’s campaign of violence and genocide. Countering these stereotypes and violent narratives is necessary to prevent genocide and further outbreaks of violence.

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1. Key Informant Interview conducted by Anonymous Researcher on August 24th, 2020 in Duhok, Iraq
3. Information provided by Anonymous Researcher
In addition to religious discrimination, the Yazidi community experiences marginalization from political decision-making in Iraq. As a result of Article 140 of the Iraqi Constitution, which mandated a referendum on the region, the Sinjar District is a historically disputed area by the Iraqi Central Government and the Kurdistan Region of Iraq (KRI). The Sinjar District is home to the majority of the Yazidi population in Iraq. Consequently, Yazidis are not represented by or affiliated with either government. Without meaningful inclusion in political decision-making, their needs, challenges, and priorities fall through the cracks. The lack of state protection for the Yazidi community made them an easy target for continuous persecution and therefore, easy prey to ISIS fighters.

In June 2014, hundreds of ISIS fighters approached Sinjar intending to capture all the Yazidi villages, towns, and the city of Sinjar. At the same time, approximately 50,000 Yazidis went to the upper slopes of Sinjar Mountain to seek refuge. Thousands of Yazidi women, children, and men were captured in their villages or on the roads trying to escape. Those who reached the mountain were besieged for days by ISIS, with no shade, food, water, or medical care. By August 6th, the terrorist group declared control of Sinjar. On August 7th, responding to requests from the Iraqi government, American, British, French, and Australian forces began airdropping humanitarian aid for the Yazidis trapped on Mount Sinjar. On the 9th of August, the Yekîneyên Parastina Gel (YPG), Syrian Kurdish forces, opened a corridor that allowed thousands of Yazidis to reach safety. Those remaining in Sinjar were killed or taken into captivity by ISIS. The nature of the attacks by ISIS has since been classified as genocide, war crimes, and crimes against humanity.

ISIS separated Yazidi women and men from each other. Upon capture, ISIS imposed conversion to Islam upon Yazidis. Those who refused to convert were killed, and those who complied were taken to different locations such as Baaj, Mosul, and Tel Afar. ISIS then subjected men and boys to forced labor. A year later, unconvinced of their conversion, many of these men and their families were reportedly killed.

ISIS classified Yazidis as “infidels” because they are not “people of the book” or the three main regional religions (Islam, Judaism, and Christianity). They considered Yazidi women and girls above the age of nine as “Sabaya” (spoils of war). The occupation of Sinjar, which paved the way for the enslavement of Yazidi women and girls, was premeditated, with an extensive bureaucracy of policies and processes instituted to support its facilitation. As confirmed by the 2016 report of the Commission of Inquiry on the Syrian Arab Republic, conflict-related sexual slavery is amongst the many human rights abuses and war crimes committed by ISIS with the intent to destroy the Yazidi community, who were seen as “infidels.” 12 ISIS destructed Yazidi shrines and houses, and seized belongings, including money, gold, and cars. A survey concluded that 3,100 Yazidis were killed in

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August 2014 and at least 6,800 were abducted. The United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/Islamic State in Iraq and the Levant (UNITAD) has detected 73 mass graves of Yazidis. The Kurdistan Regional Government’s Office of Kidnapped Yazidis, based in Dohuk, estimated that as of February 2020, 2,884 Yazidi adults and children remain missing, many of them believed to still be in ISIS captivity. It is locally believed that the majority of these adults are women because ISIS systematically killed Yazidi men.

According to the Kurdistan Region of Iraq (KRI)’s Office of Abductees, 3,530 Yazidis have returned from ISIS captivity. Among these returnees 1,538 are adults, with women making up the majority of this number, and 1,992 are children. Most survivors escaped captivity through smugglers who purchased them from ISIS with money paid by the their families. Currently, most survivors and their families live in displaced people camps (IDPs), tents, unfinished buildings, rented accommodations in the Duhok governorate, and other areas of KRI. Some have returned to the Sinjar region and some have resettled in Europe and other countries. Many of those who are missing are believed to be in Al-Hol camp for internally displaced persons (IDPs) in Syria.

Conflict-related sexual slavery committed by ISIS was not an accidental, unintentional consequence of genocide inflicted by individual perpetrators. In reality, ISIS had a systematic and strategic plan in their treatment of Yazidi women and children. Conflict-related sexual slavery was an outcome of authorized policies rooted in the ideology of the Islamic State. First, it is clear through multiple propaganda publications such as Dabiq and Dar al-Islam, that the Caliphate justified and institutionalized the use of sexual slavery against Yazidi women and girls. Through the use of internal policy memos and manuals, there were established guidelines giving ISIS fighters the right to rape, beat, verbally abuse, and harass Yazidi women and girls, in addition to subjecting them to forced labor and domestic chores. Thus, the sexual slavery of Yazidi women was authorized by the written policies of the Caliphate. ISIS utilized sexual slavery as another means of bolstering its propaganda and warped interpretation of Islam to assimilate the “disbelievers.” An article in Issue 9 of Dabiq states that the purpose of sexual slavery is not for sexual pleasure, but to help slaves embrace Islam and “break free of their chains.” This further illustrates how unique this particular form of conflict-related sexual violence is.

ISIS utilized sexual slavery as a specific tactic of terrorism to support its operations, boost revenue, promote its ideology, and instill fear locally and globally. They were able to do so by creating infrastructure and bureaucracy that supported these operations. ISIS set up slave markets, known as “Soq Al Sabay” (the market of slaves/ spoils of war), where Yazidi women and girls were sold and bought. A central body called the “Committee for Buying and Selling of Slaves” was established to facilitate the viewing and selling of women and girls. Many of the Yazidi survivors reported that they were asked to perform “catwalks,” accompanied by their children, for

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11 Ibid.
a group of ISIS members in these markets. ISIS members also re-sold or "gifted" Yazidi women and girls they owned.

The majority of the Yazidi women and girls were treated as slaves; some of them were forced into marriages with ISIS members. Boys from the age of seven and above were separated from their mothers and trained as ISIS soldiers in military camps; while some of the boys were used as servants in ISIS houses. There have been cases of sexual violence perpetrated against young Yazidi boys too, as well forced domestic servitude. It should be noted that women from other ethnic and religious backgrounds (including Christians, Shabaks, Sunni, and Shia’a) also experienced sexual violence, including sexual slavery, at the hands of ISIS. However, these crimes were not supported by ISIS policies and therefore, were primarily committed by individual ISIS fighters.

**ISIS utilized the enslavement of women to further their own organizational goals.** Women were presented as “gifts” for fighters, as well as advertised as wives for recruitment purposes. This is said to have lured hundreds of foreign fighters who grew up in conservative societies, where casual and pre-marital sex is considered taboo. Punishing the “disbeliever” Yazidi community was yet another means of rewarding, mobilizing, and retaining fighters. Enslaved women were also presented to local tribesmen and leaders as peace offerings through forced marriages and domestic servitude, which helped ISIS gain favor and buy-in with local tribes in remote areas.

**Owing to the organized and institutionalized nature of these atrocities, ISIS and its affiliates were able to generate income from the commodification of Yazidi women and girls.** Reports allege that prices went from approximately USD 100 to USD 1,000 per person. Some women and girls were sold and re-sold individually or collectively, up to 8 times and sometimes for as little as a pack of cigarettes. Bride and sex slave prices were set based on age, physical maturation, marital status, perceived beauty, and number of children, among other factors; younger women often sold for more. Women were made available for purchase to individual fighters and to those outside the organization. According to the UN, only eight percent of enslaved women were available for the former, and many more were held as collective property for fighting troops across ISIS-controlled areas. In 2016, the Report of the Secretary-General on Conflict-Related Sexual Violence stated that ISIS and associated smugglers had extorted USD 850,000 for the release of 200 abducted Yazidis in the month of January alone; and in 2014, had earned between USD 35 to 45 million in ransom payments for members of the Yazidi community.

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19 For more information on ISIS abuse of Shia Turkmen women see: http://eprints.lse.ac.uk/102145/1/8or_response_to_and_reparations_for_conflict_published.pdf
It is clear that such dehumanizing acts instilled fear within the Yazidi community, and on a global scale. By publicizing ISIS’ crimes against humanity worldwide, they were able to successfully solidify their reputation as a brutal terrorist organization. Amnesty International reports that this had the desired effect, as Iraqi and Kurdish forces fled from ISIS forces, leaving civilians, particularly minorities, vulnerable to their advances.24

**Thus, conflict-related sexual slavery committed by ISIS caused devastating, irreversible impacts on Yazidi survivors, women, children, and communities.** Most Yazidi survivors of sexual slavery and their children are displaced, living in IDP camps, makeshift tents, unfinished buildings, and rented accommodations in Duhok and other areas of the KRI, while some have returned to Sinjar or resettled abroad. The needs of Yazidi survivors of conflict-related sexual slavery range from psychological counselling and trauma healing programs, medical care, access to education, financial support to meet basic needs, and services to locate missing family members.

**Although the needs of survivors are immense, they are inadequately met by government and UN relief programs.** Behar Ali, the founder and director of Emma Organization for Human Development, stated: “Relief and recovery services for women survivors are not enough. There is no comprehensive, long-term governmental or UN lead program that cover all aspects of the needs of the women survivors. Most programs are short-term and only cover a particular area of needs.” Pari Ibrahim, the Founder and Executive Director of the Free Yazidi Foundation (FYF), highlighted that existing relief and recovery services do not create an enabling environment to empower survivors to protect and preserve their rights and independence. She explained that “[b]efore the conflict, most of these women depended on the male members of their families, and now they depend on UN agencies and other organizations to provide them with aid.”

Yazidi survivors require accessible, confidential, gender-sensitive, reliable psychosocial counselling to address the trauma they experienced. Natia Navarouzov from the Yazidi Survivors Network (YSN) emphasized:

Yazidi survivors suffer from extreme trauma. We are talking about different levels of trauma among survivors. Some were captured for a couple of months while some were enslaved for years. Other survivors have children born of rape. There are even some survivors who have been indoctrinated. They reject the Yazidi faith and see their own community members as infidels. Most of survivors have suicidal thoughts. As a result, the suicide rate amongst internally displaced Yazidi persons has increased.

Suzan Ismail from Dak Organization for the Development of Yazidi Women highlighted that in spite of the urgent need, the trauma counselling available to survivors is rarely appropriate:

Even though there are counselling centers, there are shortcomings. Psychologists in Iraq do not have the necessary training to handle such complex cases of trauma. The psychologists themselves have mental issues and need psychologists to treat them. Then how can they treat a survivor?

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According to the participants of the focus group discussion and key informant interviews conducted, timely, accessible, and reliable rehabilitation and reintegration programs are desperately needed for Yazidi survivors. **Critically, key informants emphasized that reintegration and rehabilitation programs must respond to the specific needs, context, and varied experiences of Yazidi survivors.** Gulchen Kshto, Emma Organization’s Protection Focal Point, noted:

> We need to draw a distinct line between the survivors who survived captivity years ago and those who survived captivity recently, basically one year ago. The recent survivors have gone through indoctrination by ISIS. They need special rehabilitation programs. Some of the survivors were 14-15 years old when they were captured. They have been significantly impacted by ISIS. We don't have any specific programs for them. In the future, more problems will result if they are not taken into any proper rehabilitation programs. This category is neglected. Their situation is at high risk.

Many survivors prioritize access to education, since they missed years of schooling while in captivity.25 Farida Abas Khither, a Yazidi survivor who is resettled in Europe, shared the following on the current situation of the survivors in Iraq:

> The survivors in Iraq don’t receive sufficient counselling; they don’t receive financial support. Survivors need to go back to school. They need to study languages so they can speak to the world and defend themselves. Some survivors were 7 or 8 years old when they were captured. Now, after they have returned, they are still children who should go back to school. Special schools must be opened for them. When ISIS attacked, I was in the 12th grade; it was my last year of high school. When I was rescued from captivity, I was 17 years old, but I had difficulty going back to school because I was older than my classmates. I had a certificate from my old school proving which grade I was in, but everything was destroyed in the school of Kocho.

**Gender-sensitive, age-appropriate schooling tailored to the needs of survivors is critical to promote resilience and create an enabling environment for Yazidi women to learn.** As highlighted by Farida, many survivors struggle or are unwilling to access education due to their age or the trauma they experienced. In order for survivors to enroll in schooling, they require appropriate identification. However, many survivors and their children (born of rape) are unable to acquire identification cards to replace the ones they lost or that were destroyed by ISIS. Without access to education, survivors are “victimized again,” claimed Hewan Omar from the Free Yazidi Foundation. Their opportunities for financial independence and empowerment are limited. In addition, many survivors in IDP camps are forced into early marriage.26

In 2019, the Yazidi Higher Spiritual Council urged communities to welcome and accept survivors of sexual violence and sexual slavery.27 This was a critical step towards countering the stigma, marginalization, and discrimination that Yazidi survivors experienced. Nevertheless, children born

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25 Key informant interview with Behzad Farhan, director of KINYAT Organization for Documentation, conducted by Anonymous Researcher, August 2020, Duhok, Iraq.
of rape committed by ISIS members are still not accepted within Yazidi communities. According to Iraqi Personal Status Law, any child whose father is missing or unknown will be registered as Muslim. Therefore, these children are rejected by the Yazidi community because their fathers are members of ISIS. As a result, survivors of conflict-related sexual slavery and their children are not fully reintegrated or accepted within their communities.\(^\text{28}\)

Ultimately, the trauma experienced by Yazidi survivors of conflict-related sexual slavery, amongst other crimes of genocide, remains inadequately addressed by relief and recovery programs run by national and international actors. Large numbers of survivors in IDP camps are marginalized from their communities due to their children born of rape, forced marriages to ISIS combatants, and indoctrination into ISIS ideology. The entire Yazidi community from the Sinjar Region remains scarred from the genocide they experienced and the ongoing insecurity they still face. This research emphasizes that it is critical to facilitate a comprehensive healing process for survivors of conflict-related sexual slavery along with the entire Yazidi community as a whole through reliable, sustainable, gender-sensitive relief, recovery, reintegration, disengagement, and demobilization programs.

4. Access to Justice for Survivors of Sexual Slavery

“Without justice, survivors cannot heal, seek closure, or start a new life,” explained Pari Ibrahim, the Founder and Executive Director of the Free Yazidi Foundation\(^\text{29}\).

Yazidi survivors of conflict-related sexual slavery face many challenges in accessing justice. Discriminatory laws protecting perpetrators of sexual violence, inconsistent legal approaches to prosecution, a failure to cover crimes of gender-based and sexual violence within national terrorism trials, and fear of backlash are all factors that inhibit the ability of Yazidi survivors to seek justice and hold perpetrators accountable for the crimes they endured.

In Iraq, there are several discriminatory laws that curtail women's rights and prevent survivors of conflict-related sexual violence, including sexual slavery, from accessing justice. For example, Article 377 of the Iraqi Penal Code (IPC) punishes women for adultery regardless of the context or location of the incident. Men, on the other hand, can only be punished for an act of adultery if it occurs within the marital house. The law is still in effect in federal Iraq; but it was amended in 2001 in the KRI to punish men and women for the act of adultery indiscriminately. Additionally, Article 409 of the Iraqi Penal Code reduces the sentence of a man who kills his wife or a woman related to a him if the victim commits adultery or what is known as an “honor crime.”This law was suspended in Kurdistan in the year 2000, but is still in effect throughout Iraq.\(^\text{30}\)

\(^{28}\) Articles 20 and 26 of Law No. 3 of the 2016 National Identity Card law
\(^{29}\) Key Informant Interview conducted by Anonymous Researcher on August 24th, 2020 in Duhok, Iraq.
\(^{30}\) Legal consultations, Discriminatory Texts and articles in Iraqi laws, the New Iraqi Constitution of 2005, and Amendments in the Kurdistan Region, 2017. Retrieved from: https://www.mohamah.net/law/%D8%A7%D9%84%D9%86%D8%B5%D9%88%D8%B5-%D9%88-%D8%A7%D9%84%D9%85%D9%88%D8%A7%D9%84%D8%AA%D9%85%D9%8A%D9%8A%D8%82%D9%8A%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D9%88%D8%A7%D9%86%D9%8A%D9%86/
Article 398 of the Iraqi Penal Code is also problematic as it allows the perpetrator of a crime of rape, forced homosexuality, or molestation to seek amnesty if they enter a legal contract of marriage with the victim. After three years of marriage, the perpetrator can divorce the victim without being convicted of the crime of rape. Article 41 gives a husband the right to discipline his wife, including through the use of physical violence as long as he does not violate Sharia law or customs. Even though the Iraqi law prohibits “all forms of violence and abuse in the family,” domestic violence is highly prevalent in Iraq. A domestic violence law was presented to the Iraqi parliament in 2012 and subsequently modified in 2016, but as of October 2020, it has not been voted on. Domestic violence is also defined narrowly within the draft law; it fails to include different forms of violence including physical, sexual, financial, and psychological, along with enslavement. Thus, domestic violence and rape, which are both forms of sexual and gender based violence experienced by survivors of conflict-related sexual slavery, are weakly criminalized under Iraqi law.

Critically, conflict-related sexual slavery can be legally justified if the perpetrator forcibly marries the victim in Iraq. Despite the prevalence of the crime committed during armed conflict in Iraq, national legislation lacks specific laws preventing, prohibiting, or recognizing sexual slavery as a specific crime of war, against humanity, or genocide. This legal approach fails to adequately address the specific drivers, impact, and redress required by survivors.

"Sexual slavery is not a domestic crime. Reporting, investigating, and indicting them as domestic crimes of rape fails to capture the context, gravity, and impact of conflict-related sexual slavery on survivors and their community. This is an act of genocide against a group," explained Sareta Ashraph, an international lawyer, during a key informant interview. Without specific provisions or coherent legal approaches to prosecution of conflict-related sexual slavery, it is exceptionally challenging for survivors to seek justice under Iraqi law. Yazidi survivors of conflict-related sexual slavery suffered several crimes including rape, torture, enslavement, and trafficking. In a key informant interview, an Iraqi lawyer elaborated:

ISIS members have not only committed one crime. Therefore, ISIS cases include many crimes, such as kidnapping women and girls in Sinjar and then raping them. They also sold these women and used them servants and the women had children as a result of the rape. Article 421 punishes the crime of kidnapping with five to ten years of imprisonment. Other articles punish the crime of abuse, rape, trafficking, and forced marriage, each with their corresponding punishments and prosecution processes.

An Iraqi civil society activist further explained, “Prosecuting one case is such a long process because of the evidentiary requirements. The process ends up causing psychological harm to the victims.”

For more information on Combating Domestic violence draft law of the federal Iraq see: https://presidency.iq/Details.aspx?id=8355#tab=0
Importantly, the crime of conflict-related sexual slavery committed by ISIS fall under the jurisdiction of Iraq’s Anti-Terrorism Law.

Mohammed Rashid Sahab is known as the only ISIS combatant who was publicly convicted of the crime of rape inflicted upon Yazidi survivor, Ashwaq Haji Hamid, who publicly testified. He was charged with the death penalty under the Iraqi Anti-Terrorism Law No. 13 Article 4 (2005). Nevertheless, this research argues that most ongoing trials of ISIS combatants for crimes committed under Iraq’s Anti-Terrorism Law No.13 (2005) are inadequate in holding perpetrators accountable for crimes of conflict-related sexual slavery because they lack a specific, gender-sensitive focus. The primary focus of the anti-terrorism trials is to determine whether the accused are (or were) members of ISIS. The focus on crimes of sexual and gender-based violence depends entirely on the interest and capacities of the legal team to investigate. In addition, Iraqi judges and prosecution teams discriminate against women, on the basis of their patriarchal, religious, and cultural beliefs, during ongoing trials on anti-terrorism. During a key informant interview, an Iraqi civil society activist shared:

The judge will discriminate against women for the benefit of men. For example, in ordinary rape cases, the judge or investigator will blame the victim for seducing the perpetrator. We don’t have supervision of our judiciary system. It is the highest power. We need significant reform of our judicial system so that our judges are sensitized on survivor-centered approaches to prosecuting conflict-related sexual violence.

Some civil society organizations who participated in the focus group discussion raised questions about the political independence and transparency of the Iraqi courts. A participant shared that “there are individuals that control the courts, ISIS trials are concluded very quickly. The legal teams do not spend enough time gathering evidence and information from victims.” Once prosecuted, some ISIS combatants are released early. “A person that has killed and enslaved is ultimately released because a bribe is paid,” they added. There is no consistent, coherent approach to investigating, prosecuting, and punishing crimes of genocide committed by ISIS at the domestic level in Iraq.

Thus, a national historical record of the atrocities committed by ISIS combatants, including conflict-related sexual slavery, is sorely missing. The United Nations Investigative Team to Promote Accountability Against Da’esh/ISIL Crimes (UNITAD), with the support of local civil society organizations, is working to bridge this gap by documenting and investigating crimes of conflict-related sexual violence. Ashraph explains that documentation and investigation efforts are focused on creating dossiers, as well as attempting to amend existing legislation, or the resurrection of an Iraqi special tribunal.

Outside of Iraq, Germany is the only country to have tried an ISIS combatant for the crime of genocide committed against Yazidis. Alexandra Lily Kather, a lawyer specialized in international

34 Key Informant Interview conducted by Anonymous Researcher on August 24th, 2020 in Duhok, Iraq.
36 Key Informant Interview conducted by Anonymous Researcher on August 22nd, 2020 in Duhok, Iraq.
37 Key Informant Interview conducted by Anonymous Researcher on August 14th, 2020 in Duhok, Iraq.
38 Key Informant Interview conducted by Anonymous Researcher on September 7th, 2020 in Duhok, Iraq.
criminal law, explained that although sexual slavery was at the core of ISIS’s systematic plan to commit genocide against the Yazidi community, there have been no indictments for the crime under the investigations on cases of Yazidi women and girls conducted within the European Union. She added, “This discrepancy should be looked into. We’ve seen reports of Yazidi women and girls enslaved all over the news. But in court rooms, we aren’t talking about this. At the most, we are looking at forced labor in the context of enslavement of Yazidi women and girls like in the Taha W case.”

For ISIS combatants to be successfully prosecuted, evidence of the crime, the ability to detain the perpetrator, and jurisdiction for the trial are necessary. In Iraq, while legal teams may have access to evidence and perpetrators, it is often challenging to justify jurisdiction under international laws. Thus, local civil society organizations are not hopeful for the prosecution of ISIS combatants for conflict-related sexual slavery under crimes of genocide, war crimes, or crimes against humanity, in Iraq. Ashraph attributes this to the lack of national legislation on mass atrocities in Iraq. Nevertheless, participants of the focus group discussion and key informant interviews emphasized that they would like to see justice for the crime of conflict-related sexual slavery within international courts. Farida Abas Khither, a Yazidi survivor based abroad, explained:

Our goal is to see ISIS combatants prosecuted in international courts. The case in Germany was a very big deal because it gave us hope not only of ISIS men being tried, but also women who committed horrible crimes. There are many ISIS members that live comfortably in Europe and other countries around the world, while we Yazidis live in IDP camps. We want to see that they are held accountable.

In Germany, the primary challenge in prosecution remains linking the crimes committed under international law to the perpetrators, who are either imprisoned in Syria or Iraq, deceased, or hiding in a third country (which could be their home country).

However, Ashraph highlighted that Yazidi survivors of conflict-related sexual slavery, along with members of the Yazidi community as a whole, are largely excluded from the ongoing Anti-Terrorism trials and corresponding justice mechanisms at national and global levels. Most survivors are unaware of the ongoing trials and therefore, cannot seek justice for crimes of conflict-related sexual slavery they endured. Veronica Wright, the head of the Sexual and Gender-Based Violence and Children’s Unit within UNITAD, emphasized the importance of community outreach programs to inform witnesses and survivors of mechanisms through which they can seek justice, including UNITAD.

In addition to limited awareness of reporting mechanisms and of their right to seek justice, Yazidi survivors of conflict-related sexual slavery face significant barriers to access justice— with fear of backlash as the primary obstacle. “There are a lot of risks for survivors to come forward with accusations against ISIS combatants. Many of the accused combatants have not yet been captured. Someone who has killed ten people will not mind killing the person who raises a complaint against them. It is also dangerous for lawyers and witnesses,” explained an Iraqi lawyer working with

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29 For more information Taha W. case, the ISIS combatant being tried for the crime of genocide against the Yazidis see: https://www.nytimes.com/2020/04/25/world/europe/germany-genocide-trial-iraq-yazidi.html
internally displaced survivors of conflict-related sexual slavery. Iraqi humanitarian workers who participated in the focus group discussion highlighted the lack of protection mechanisms for survivors, prosecution teams, and their families. Equipped with this disheartening knowledge of the legal system, Yazidi survivors of conflict-related sexual slavery do not believe that they will be able to seek justice for the crimes they suffered. As a key informant shared, "Women in Iraq are very marginalized. Even when they are not in conflict, they are exposed to insecurity and violence. It's unsurprising that ISIS saw Yazidi women as easy to enslave." 40

Participants in this research identified the Yazidi Female Survivors Draft Law (Reparations Bill) as a key pathway to demand justice and accountability for the crime of conflict-related sexual slavery, although they remain disappointed by continued delays in its adoption. Their main concern remains the fact that even though the Bill is intended to assist Yazidi women survivors, it was formulated without consultations with survivors. Political stalemates and power-plays that have delayed the adoption of the Bill and cast doubt about its eventual implementation have only added to the existing trauma and stress that survivors within Iraq face every day.

The Yazidi Female Survivors Draft Law, known as the "Reparations Bill," was initiated by the President of Iraq Berhim Salih in 2019. The ambitious Bill targets the Yazidi women survivors of ISIS captivity. According to the draft Bill, a General Directorate for Women Survivors' Affairs should be established and linked to the General Secretariat of the Council of Ministers. This General Directorate is to be located in Mosul in the Nineveh Governorate, and directed by a Yazidi individual. The Bill aims to compensate survivors financially and morally, rehabilitate and improve care for survivors, secure a decent life for the survivors, restore infrastructure of survivors’ areas, and integrate survivors back into society. The Bill also includes provisions on legal assistance, psychosocial counselling, economic empowerment, access to job opportunities, a monthly salary, a plot of land or accommodations, and access to education. Importantly, the Bill recognizes the experiences of Yazidi women and girls as crimes of genocide, which must be addressed through criminal proceedings.

However, Yazidi women’s groups identified several shortcomings that need to be addressed. First and foremost, survivors were not consulted or included in the drafting process. International lawyer Guley Bor states that because survivors were not consulted by drafters, critical demands, such as finding missing family members, were not included. 41 The Bill also does not adequately address the situation of children born of rape, thereby failing to amend Iraqi laws that forcefully require the religion of the father (Islam) to be adopted by the child, as well as failing to reunite survivors with their missing children. Although the Bill aims to compensate survivors of sexual slavery, there are no clear procedures facilitating access to justice for them. Furthermore, the Bill does not address the needs of survivors and community members to prevent the reoccurrence of sexual slavery. These needs include provisions for inclusive, sustainable peacebuilding, early warning systems, and social cohesion to improve Yazidi community relations with other groups in Iraq.

40 Key Informant Interview conducted by Anonymous Researcher on September 8th, 2020 in Duhok, Iraq.
Another critical gap in the Bill is the omission of the term “sexual enslavement” as a specific crime committed against Yazidi people. Similar to the language in the Executive Action Plan on the Protection of Arab Women: Peace and Security of the League of Arab States, in the Bill, survivors of sexual slavery are referred to as former detainees of terrorist groups or abductees. The Bill’s analysis of the breadth of crimes of genocide committed is similarly weak or absent. In addition, the Bill fails to consider survivors of sexual violence from ethnic and religious groups other than Yazidi, including Turkmen, Arab Shia, Christian, and Shabak women and girls. Men and boys who were enslaved by ISIS are similarly ignored.

The location of the General Directorate of Women Survivors’ Affairs presents yet another obstacle. The Bill dictates that it be located in Mosul, although most Yazidi survivors live in the Duhok governorate and Sinjar. This could prevent Yazidi survivors from being able to work in and regularly visit the office.

Delays in the adoption and implementation of the Bill further cast doubts on its eventual efficacy to improve survivors’ access to justice, accountability and reparations. A key informant explained that when legislation does not directly benefit a politician, they will not support it. Another key informant expressed a similar worry regarding the limited political will to move the draft bill forward: “there is a large number of draft laws on the shelves of the parliament. Any political bloc does not adopt them. The draft laws that are adopted by a certain bloc are the ones that are initiated in the parliament.” The Bill has had only one reading; two more readings must take place before the bill is implemented.

Susan Khudeda, an Iraqi activist, expresses the need for pressure from the international community and from existing WPS commitments in Iraq. She asks:

If Iraq is the first country to have adopted a NAP, why isn’t the government implementing the survivors draft bill then? [W]e know there is legislative discrimination in the constitution and the laws of Iraq. [T]herefore, if there is no advocacy, especially internationally, the Yazidi survivors bill will not be passed anytime soon. We keep repeating the word "survivor, survivor" but with all due respect, these are only slogans. Until this draft law is executed, where is the dignity of the survivor, how can we preserve the survivor’s dignity if she doesn’t have a monthly salary to raise a bunch of children with no father?

Natia Navourazov, the documentation project manager at Yazda, sums this up, stating:

We want the reparation bill to be inclusive, and we would like it to involve all victims of ISIS. They all deserve some kind of reparation. At the very beginning, it was challenging to ask the Yazidi Survivor Network members to advocate for other survivors because simply they were not aware of crimes that had happened to women from other communities. After all, this is something not spoken of in Iraqi society. There are no survivors other than the Yazidis speaking up. It was very powerful when some of the Yazidi survivors met with Christian and Shia Turkmen activists who explained what happened to women survivors from their

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communities. The Yazidi survivors said they went through the same thing, but they didn't
know it had happened to others.

The delay in the Bill's adoption has resulted in anxiety for the survivors and their community. For
many, there is still a lot of uncertainty about what the future holds. Pari Ibrahim, the founder and
executive director of Free Yazidi Foundation, elaborated this issue, stating that a majority of
survivors understand that the draft bill exists, but are unsure what it means for them or what its
current status is. This has led to frustration within the Yazidi community. Gulchen Kshto, from Emma
Organization for Human Development, emphasized the importance of having a directorate as a
governmental body for the Yazidi women survivors referring to a common complaint shared by the
survivors: “Survivors don't have trust in NGOs anymore. [Survivors] say ‘NGOs come to give us
training, take photos, then leave,’ therefore there must be a governmental body that survivors can
go to whenever they have any needs or enquiries.”

Fortunately, through consultations conducted by the Commission of Investigation and Gathering
Evidence (CIGE) conducted in 2020, survivors did have an opportunity to share their views on the
Reparations Bill. The CIGE report indicates that consultations took place with 200 Yazidi women
survivors, around the issue of reparations in general and the draft Reparations Bill. Interestingly,
and in line with the research conducted by Bor, 94 percent of the consulted survivors expressed
their desire to rescue their missing family members from captivity; 96 percent of them wanted to
bury the remains of their loved ones.43

Including survivors' voices within a law that is extensively considered to be a remedy for
their situation should be a top priority. This is not to say the Bill is of no value; on the
contrary, it is perhaps the only form of reparations survivors of sexual slavery might
receive in Iraq. Nonetheless, in order to hold perpetrators of conflict-related sexual
slavery accountable, it is critical to address the barriers Yazidi survivors face in accessing
justice. A survivor-centered approach to prosecutions of international criminal law is
essential.

5. Gaps and Opportunities to Address Conflict-Related Sexual Slavery Through the Women, Peace, and Security Agenda

The WPS agenda remains a key tool to address the needs of survivors and prevent non-repetition
of atrocities. However, there are several issues with both the framing and implementation of Iraq's
Women, Peace, and Security (INAP), including the lack of a consultative drafting and
implementation process with survivors, as well as the lack of effective monitoring, evaluation, and
budgeting provisions. It is therefore crucial to closely examine the existing mechanisms and gaps
within INAP and identify ways to strengthen synergies between the agenda and on-ground needs.

Iraq was the first country in the Middle East and North Africa to launch a NAP on UNSCR 1325 in 2014. The plan centered around six key pillars: participation, protection and prevention, promotion, social and economic empowerment, legislation and law enforcement, and resource mobilization. The INAP prioritizes commitments for increasing women’s political participation, enhancing gender equality in legal frameworks, and removing legislation that violates women’s rights. In terms of post-conflict participation, it commits to ensuring sustainable and proportional participation of women in reconciliation committees and peacebuilding processes. It also commits to protecting women from gender-based violence, as well as providing victims of violence with the means for their rehabilitation and reintegration into society during and after conflict.44

While this is a notable step toward achieving gender equality, women’s rights, and sustainable peace, there are several shortcomings. Firstly, the INAP does not recognize sexual slavery as a specific crime, let alone outline it as a priority area. Thus, the INAP fails to include specific provisions on sexual slavery for the countless Yazidi survivors who experienced the crime at the hands of ISIS within Iraq. As a result, the INAP does not adequately address the immediate needs of survivors such as permanent shelter, or the need for post-conflict reparations and justice for survivors. Case study participants emphasized that solutions must be grassroots-led, with the survivors needs and interests in mind.

One local humanitarian worker relayed that the INAP characterizes sexual violence as a national issue, but has not put forward any actionable measures or commitments to tackle the occurrence of the crime. She states that there is no comprehensive strategy for protection from violence and no sustainable plan in place to address the needs of survivors of sexual violence, adding:

Let us think of the survivors, does she need a doctor, maybe she needs an abortion or protection from the tribe or honor killing. We didn’t see any of this happening. No medical committees, with a gendered mentality, representing ministries that can treat survivors. Where are the studies and reports to know what their [plans] have done for the women? No government rehabilitation programs are looking after the needs of the survivors.

Khider Domle, expert and trainer in peacebuilding, media, minority, and women’s issues in Iraq, expressed that the plight of Yazidi women has not been adequately addressed in the INAP due to a lack of effective communication and consultation with survivors of sexual slavery. She believes that the plan should have a specific section to address reconciliation, reparations, and participation in local political decision-making for Yazidi women, who experience unique barriers and discrimination. The lack of specific provisions to meet the needs of Yazidi women has resulted in survivors being unaware or unable to use the INAP in their advocacy. During the focus group discussion, Suzan Ismail expressed the need to use the INAP to respond to the immediate needs of survivors, many of whom are still internally displaced:

I realized that the workshops and training we conduct are not enough, there must be something actionable done by the Iraqi government. The reparation bill must be legislated, and the survivors must get their rights legally. There must be a solution to the needs and

suffering of the survivors from the bottom-up. The minimum need right now is for the survivors to be transferred from tents to houses. Providing daily needs of food and water is the minimum right for the survivor who comes back to her home after conflict.

The INAP also commits, under the “Protection” pillar, to locate abducted and missing women during armed conflict. As stated above, 94 percent of the consulted survivors expressed their desire to rescue their missing family members from captivity. However, given that thousands of Yazidi women and girls are still missing, neither these wishes nor concrete commitments have been fulfilled. Additionally, the reintegration of survivors of sexual slavery and/or their children (born of rape) within the community was not addressed or assessed, even though one of the main strategic objectives of the INAP on protection is to ensure the rehabilitation and reintegration of women and girls in society during and after transitional periods of armed conflicts.

In an article reviewing the INAP, Dr. Zeynep N. Kaya, a Research Fellow at the London School of Economics and Political Science (LSE) Middle East Center and Research Officer at the LSE Center for Women, Peace and Security, further adds that the INAP “does not have well-defined timelines, comprehensive implementation and monitoring mechanisms or clearly allocated budgets.” This was echoed by key informants across Iraq. There are several INAP objectives that were either not achieved or partially achieved, mainly due to the lack of a clear monitoring and evaluation framework. For example, the lack of data collection and field assessments makes it difficult to measure the economic and social empowerment of IDP women conducted through the activities of the INAP. Suzan Ismail states that the constant changes in the INAP framework were also unhelpful and have led to further confusion for local CSOs:

At the beginning, the INAP had six pillars, now they are focusing on only three: participation, prevention and protection. Further, only one organization is working on the monitoring and evaluation element of the INAP. So no one knows to what extent this Plan has been implemented or how the reports are shared with the government.

Despite this shortcoming, survivors and civil society have an important tool in their arsenal to bolster accountability, monitoring and reporting. General Recommendation No. 30 of the Committee on the Elimination of Discrimination Against Women (CEDAW) is an important complementary framework to the WPS resolutions for survivors of conflict-related sexual slavery. General Recommendation No. 30 explicitly identifies sexual slavery as a war crime that must be prosecuted by states. Under Article 18, CEDAW requires state parties to report on measures they have adopted to implement the provisions of General Recommendation No. 30. In its 2016 State Party report, Iraq acknowledged that ISIS committed crimes of sexual slavery and are punishable under law for these crimes. The Council of Representatives also issued Decree No. 43 of 2016, which states:

The Government shall take the necessary measures to liberate abducted Yazidi women; to rebuild Sinjar district and restore services and infrastructure; to consider the victims of acts

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of terrorism perpetrated by ISIL terrorist gangs in Sinjar province as martyrs, who enjoy all the rights and privileges of that category; and to create a committee of competent bodies to look into the genocide suffered by the Yazidis at the hands of ISIL terrorist gangs in order to submit the case for investigation by the International Criminal Court.\(^48\)

Iraq’s commitments on this matter are noteworthy. By submitting shadow reports to the CEDAW Committee, Iraqi and Yazidi civil society can use CEDAW as an instrument to monitor, evaluate, and hold their government accountable to their obligations under the WPS resolutions, international human rights and humanitarian law, and General Recommendation No. 30. It can and should be utilized as a tool to monitor the implementation of its NAP, despite the absence of a robust monitoring and evaluation framework.

Interviewees also revealed budget allocation issues inhibiting effective implementation of the INAP. According to a UN Women report, “an estimated budget required for implementation was included in the draft INAP. However, the budget was omitted from the draft endorsed by the Government, and no funds have been allocated through the national budget for its implementation.”\(^49\) According to one source, implementation of the first INAP coincided with another invasion by ISIS in some areas, exacerbating the ongoing conflict, humanitarian crisis, and stretching government resources. Despite a strong commitment from the federal government and the Kurdistan Regional Government to develop and implement the INAP, this forced the government to remove the corresponding budget, which is a major challenge in any context, let alone such a crisis. Furthermore, even though the first INAP expired in 2018, the second INAP is neither passed nor its budget approved. Key informants stated their concern that the same problems of inadequate design, insufficient activity implementation, and delays in budget approvals are being repeated. It is critical to note that CEDAW requires states to take all appropriate measures to guarantee women’s equal recognition, enjoyment, and exercise of all human rights and fundamental freedoms on a basis of equality with men immediately; delays on the basis of periods of armed conflict or emergency are not considered satisfactory justifications for lapses.\(^50\)

According to an interview with women’s rights activist Suzan Aref, negotiations with the Iraqi government for funding have consistently been problematic. After efforts to fund the five-year INAP were rejected following the ISIS surge in 2014-15, the government agreed to fund an emergency plan for the time period of one year. In response, the Iraqi Alliance for the Implementation of National Action Plan 1325 developed a Contingency Plan, sometimes referred to as the Emergency Plan, in 2015.\(^51\) The plan was designed to address emerging needs and priorities during the conflict within the framework of the INAP. It focused on the

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\(^{48}\) Information on implementation of the provisions of the Convention and the Committee’s concluding comments. (2016). Retrieved from http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkC1d%2FPPrtCAaghjKb7yhsqAB4x4cFrY75u5s2cmS%2F%28g%28M3rDvklKXXdxa6oj U/kmYfUkIw%2Fb9x%Zw6Mw7K31%2F7fJv36cGl7fJBC6XOm%3%2BnXGpskwXwpvbILjZSfM.


protection of women in IDP camps, finding missing women, punishing perpetrators of sexual atrocities, raising awareness for the host community and security forces, and promoting the participation of the women in peacebuilding initiatives and rebuilding their areas of origin. These are all positive steps toward integrating survivors needs into actionable frameworks.

Unfortunately, the government once again removed the budget, instead ordering each ministry to implement parts of the plan with their own budgets.\textsuperscript{52} Conflict-affected Kurdistan, a region the plan was designed to help, ultimately did not get the support it needed from the central government. Worse still, the on-the-ground impact or implementation of the one-year plan is not measurable due to the lack of clear activities, timelines, and monitoring or evaluation framework.\textsuperscript{53} Local interviewees stated their disappointment in these outcomes, as well as in the lack of meaningful engagement from government entities.

Despite making history with its NAP, Iraqi civil society and survivors remain disheartened by the lack of adequate implementation of national and international frameworks. It is clear that in order to fully and effectively implement the WPS resolutions, Iraq requires a NAP that is drafted and implemented inclusively with a corresponding gender-responsive budget and monitoring and evaluation framework. All activities of the INAP must meet the diverse needs and priorities of survivors of conflict-related sexual slavery. Finally, activities must focus on tangible reforms that lead to protection, guarantee non-repetition, prevention, justice, relief or recovery services for survivors of sexual slavery committed by ISIS.

6. Highlighting the Initiatives of Women’s Rights Organizations and Civil Society Groups in Condemning and Demanding Accountability for Conflict-Related Sexual Slavery

“We don’t deny that efforts made in favor of the Yazidi community and survivors over the past 6 years; but when compared to the gravity of the genocide and crimes committed against the Yazidis, those efforts are very minimal. As for women survivors, they are very vulnerable, coming back from captivity, remaining in a tent, not knowing even how to ask for their minimum rights like getting new IDs for their children and themselves.” reflected Hewan Omer, Country Director of the Free Yazidi Foundation\textsuperscript{54}.

\textsuperscript{54} Key Informant Interview conducted by Anonymous Researcher on August 24th, 2020 in Duhok, Iraq.
In the absence of adequate reparations and reliable relief and recovery services, Yazidi survivors, and Yazidi and Iraqi civil society organizations have mobilized. They are providing crucial services varying from documentation, advocacy, reparation, justice, and accountability for survivors and the community at large. This section highlights several key organizations and ongoing projects. While these efforts are yet to amend existing laws or enhance national justice mechanisms, they are significant in their provision of a platform for the voices of survivors to be heard and efforts to pursue justice.

First, survivors and civil society organizations collect and document evidence of conflict-related sexual slavery and sexual violence to bring ISIS combatants to justice in international courts. For example, the Free Yazidi Foundation (FYF) Justice Project aims to collect and analyze information on crimes committed by ISIS against the Yazidis. The ultimate goal of the project is to identify the perpetrators of these crimes through information received from Yazidi survivors and non-Yazidi sources. Their team consisting of international and national lawyers put together case files of ISIS combatants in an attempt to combat impunity for atrocity crimes, including sexual slavery and other forms of conflict-related sexual and gender-based violence. The Yazda documentation project and KINYAT Organization for Documentation are similarly documenting statements of Yazidi witnesses and survivors in order to collect evidence that can be used for accountability efforts and advocacy for transitional justice. The head of KINYAT, Bahzad Farhan, shared that the organization managed to successfully document a case of an enslaved Yazidi woman and collaborate with a European court to charge a combatant.

Several civil society organizations are improving relief, recovery, and reintegration services for survivors of sexual slavery. The Coalition for Just Reparation (C4JR) is a coalition of 25 Iraqi CSOs that work closely on advocating for reparations for the victims of ISIS atrocities, including sexual and gendered-based violence (SGBV) victims, regardless of their ethnic backgrounds. The group, established in 2019, aims to create programs that provide reparations to ISIS victims. One of the coalition members, the Emma Organization for Human Development, seeks to reformulate laws to protect and secure adequate redress for survivors of sexual violence. Behar Ali, the Founder and Director of Emma Organization for Human Development, stated that along with advocacy for the reformulation of existing Iraqi laws, they are drafting a law that classifies sexual violence as an international crime. Critically, the law defines and condemns sexual violence through the diverse perspectives and experiences of survivors who were consulted in its drafting. Behar emphasized the critical need for political will and broad-based support for the transformation of the Iraqi judicial system to better meet the needs of survivors of conflict related sexual slavery:

Women’s civil society is leading efforts to strengthen laws to condemn sexual violence. We either want to pass new laws or reform existing ones to prevent and protect women from sexual slavery. But, as of now, no new laws have been passed or drafted by government. We need their support to move forward.

Critically, civil society organizations such as Yazda, are empowering Yazidi survivors to lead efforts for justice, accountability, sustainable peace, and gender equality. Initiated by Yazda, the Yazidi Survivor Network (YSN), a network of 17 Yazidi survivors of sexual slavery, facilitates capacity building, training on transitional justice, reparations, criminal justice, truth and reconciliation, and institutional reform. The network has empowered and promoted resilience
amongst Yazidi survivors who are now aware of their rights to justice, protection, and redress under international law. The meaningful participation and leadership of Yazidi survivors in the response to conflict-related sexual slavery committed by ISIS is critical to ensure a survivor-centered approach to adequate reparations, justice, prevention, protection, and relief and recovery programs and policies.

As Yazidi and Iraqi civil society activists and survivors have testified, they are leading foundational work to improve access to justice and adequate reparations and relief and recovery services for survivors. However, without investment, recognition, and financial support from the government and UN entities, these efforts remain limited in their reach. It is critical for the UN, the Iraqi government, and other global policymakers to invest, amplify, and support the efforts of Yazidi civil society who are meeting the urgent, intersecting needs of survivors.

7. Conclusion and Recommendations

The crimes committed by ISIS against the Yazidi community in Iraq have received international attention and condemnation since 2014. The United Nations, Iraqi government, and the Yazidi community leadership have all documented and acknowledged the extent of the brutality that Yazidi survivors of sexual slavery have been subjected to. However, government and UN-led programs and policies on prevention, protection, and accountability for sexual slavery have remained weak and inadequate. Full and effective implementation of the Iraqi NAP on UNSCR 1325, Yazidi Female Survivor Bill, and Emergency Plan with the meaningful participation and leadership of survivors is critical to strengthen the response to sexual slavery.

It is evident that urgent action is required beyond merely acknowledging normative and legal frameworks. Iraq has the unique opportunity to utilize its international commitments and national priorities to serve the needs of survivors. Local civil society organizations hold the key to bridging the current gaps that have been highlighted in this report. The 20th anniversary of UNSCR 1325 is a timely and distinctive chance to empower survivors by adequately addressing their needs.

Recommendations:

For the Iraqi Central Government and the Kurdistan Region Government:

- Recognize conflict-related sexual slavery as a widespread, systematic, institutionalized, and deliberate human rights abuse and wartime strategy or weapon of warfare used by militaries under government supervision, state-sponsored militia groups, non-state armed groups, violent extremist groups, and criminal networks alike.
- Include issues related to sexual violence in conflict in all decision-making on peace and security, including ceasefire talks, peace negotiations, peace agreement implementation, post conflict resolution processes, transitional justice mechanisms, and preventing violent
extremism and countering terrorism, in order to prevent the reoccurrence of such crimes and further outbreaks of violence.

- Enact the Yazidi Female Survivors draft law as soon as possible.
- Reform discriminatory laws against women within the Iraqi legal system in accordance with international standards.
- Enact strong laws which criminalize conflict-related sexual and gender-based violence, including sexual slavery.
- Strengthen provisions and language on sexual slavery, as a distinct form of conflict-related sexual violence, with specific corresponding drivers and impact, within programs, policies, reports, and related implementation mechanisms corresponding to the National Action Plan on WPS.
- Integrate key provisions and principles of the WPS resolutions into counter-terrorism measures to ensure women’s meaningful participation, leadership, and empowerment in the design and implementation of policies on preventing violent extremism (PVE), countering terrorism (CT), and countering violent extremism (CVE).
- Invest in the prevention of the resurgence of conflict and violent extremism conducive to terrorism in Iraq.
- Establish an early warning system to monitor indicators of violence against women and girls, including the risk of sexual enslavement and trafficking.
- Promote comprehensive rehabilitation and reintegration of Yazidi community survivors, including through religious tolerance programs and educational curriculum.
- Ensure that survivors of conflict-related sexual slavery and women’s civil society groups meaningfully participate at all levels in the design and implementation of Iraq’s National Action Plan on WPS.
- Provide reliable, accessible legal support to Yazidi survivors seeking access to justice through national or international mechanisms.
- Provide comprehensive, high-quality, and long-term trauma counselling, recovery care, and rehabilitation programs for Yazidi survivors of conflict-related sexual slavery which responds to their diverse experiences.
- Provide comprehensive redress, rehabilitation, and reintegration programs for all survivors of conflict-related sexual slavery, including former combatants, such as: housing for survivors and their families; age-appropriate, gender-sensitive education; employment opportunities and economic empowerment programs; sexual health and reproductive services; medical care (for sexual transmitted diseases and/or HIV/AIDS); land ownership, and psychosocial counselling in remote and conflict-affected communities and refugee camps.
- Submit reports on the progress in the implementation of the WPS resolutions, including efforts to prevent, protect, and provide relief and recovery from conflict-related sexual slavery, and General Recommendation 30 of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in its reports to the CEDAW Committee.
- Promote Yazidi women’s meaningful political, social, and economic participation in decision-making at all levels on conflict prevention, ceasefire negotiations, peace processes, peace agreement implementation, conflict resolution, transitional justice mechanisms, preventing violent extremism and countering terrorism, and security sector reform.
To UN Entities, in particular UNITAD, and INGOs:

- Hold the Iraqi government accountable for effective implementation of the WPS resolutions and other international criminal, human rights, and humanitarian laws, including CEDAW.
- Amend funding policies to provide reliable, sustainable, accessible, and flexible funding to local civil society organization, particularly women’s rights organizations working with survivors of conflict-related sexual slavery.
- Take all measures to prevent and counter violent extremism, particularly the resurgence and regrowth of ISIS.

To civil society organizations:

- Improve coordination among CSOs working on documentation, investigation, building dossiers of ISIS combatants, and advocacy for accountability and justice to avoid duplication of efforts and re-traumatization of Yazidi survivors.
- Ensure that documentation efforts with survivors of sexual violence and slavery include psychosocial support mechanisms to provide preliminary assistance to witnesses and survivors.
- Train staff on ethical trauma-informed treatment of survivors, including ensuring services are provided without prejudice, notably against ethnic and religious minorities.
- Hire and work directly with Yazidi survivors on programs addressing the drivers and impacts of conflict-related sexual slavery.
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