

Iraq's "Yazidi Survivors Bill" is ground-breaking. But is it enough?

A field-based commentary from Iraq showcasing the challenges that lie ahead before a law adopted to support Yazidi survivors of ISIS can be adequately implemented.

RETHINKING **SECURITY** IN THE 2020s SERIES – COMMENTARY

By Wilson Fache – BIC Middle East Consultant

On March 1, 2021, the Iraqi parliament passed the Yazidi [Female] Survivors Bill, a law aimed at aiding survivors of the Islamic State (ISIS) after the terrorist group systematically targeted thousands of women and girls, forcing them into sexual slavery. The landmark bill, which formally recognises the Yazidi genocide, calls for the compensation and rehabilitation of survivors. While this move was widely applauded, questions remain as to how swiftly and efficiently it can be put into effect as the Yazidi community continues to face pressing needs.

"I think the Yazidi Female Survivors Law is a good first step towards recognition of the horrendous sexual violence that so many Yazidi women were subjected to and Iraq's responsibility to help these women recover. The tricky part is to make sure the bill is implemented and provides tangible and lasting support to survivors," Yazidi activist Abid Shamdeen told the BIC. Shamdeen co-founded the NGO Nadia's Initiative with Nobel Peace Prize laureate Nadia Murad.

The Brussels International Center travelled to Iraq twice, in March and June 2021, to meet with community leaders, NGOs, survivors, and local officials to discuss the challenges of implementation amid persistent security and political instability.

One office inside Sharya camp for internally displaced persons (IDPs), located near the city of Dohuk in Iraq's Kurdish region, welcomes visitors with a billboard categorising the camp's Yazidi residents. "Number of individuals: 13,599. Tents: 4000," it reads, before offering a more detailed and disturbing picture: "Widows: 268. Survivors: 52. Orphans: 203. Disabled: 120".

The Yazidis of Mount Sinjar, the homeland of this ethno-religious minority in north-western Iraq, were decimated when ISIS launched its onslaught on 3 August 2014. The thousands who could not escape were, depending on their gender and age, forcibly converted to Islam, sold into sex slavery, conscripted into training camps, taken prisoner, or executed and dumped in mass graves.

Sara (not her real name) welcomed the BIC in her makeshift shelter inside Sharya camp. “I am not doing ok,” whispered the 34-year-old, who was kidnapped by ISIS in 2014. “Mentally, I am broken.” She is one among hundreds of survivors who escaped the clutches of the fallen “Caliphate” only to find herself stranded away from home, unable to rebuild the life that was so viciously taken away from her.

“Look,” she said, pointing to a stack of documents that included a psychological assessment. “Known case of post-traumatic stress disorder with major depression disorder,” the report stated.

“We are not getting enough support,” Sara continued. “Many young women suffer from mental issues and some commit suicide.”

“Every now and then, we hear about suicides and suicide attempts. There have been more and more cases since January,” confirmed Muhammad Mahmud, a doctor working in northern Iraq with survivors and displaced Yazidis.

The bill passed on 1 March aims to offer support to survivors like Sara. Seven years after a series of attacks that a United Nations investigation team said constitute genocide, much remains to be done to repair these decimated communities.

Sinjar had an estimated population of 400,000 people prior to 2014. Seven years on, up to 180,000 residents remain displaced, mostly in IDP camps scattered across northern Iraq.

A survey from April 2021 found that 99% of households displaced from Sinjar did not intend to return home within the next 12 months, choosing instead to remain in their current camp. The main reasons were the absence of basic services, lack of security and livelihood opportunities, as well as the destruction of their house, and traumas associated with their area of origin.

The ousting of ISIS and the Iraqi government’s weak presence in Sinjar has left room for rival armed groups - Kurdish peshmerga fighters from the PDK political party, Shia militias of the Hashd al-Shaabi (PMU), the Kurdistan Workers Party (PKK) and its local affiliate - to fight over Sinjar because of its strategic location near the border with Syria. The segmentation of the district between competing forces is another factor preventing the safe return of civilians.

“The first step that needs to be taken is for people in camps to be able to go home. And to do that, Sinjar needs to be rebuilt and to be safe. People cannot return home if they don’t have a home. And safety is essential to allow for their voluntary return,” Ali Alyas, the spiritual leader of the Yazidis, known as Baba Cheick, told the BIC.

In October 2020, an agreement between Iraq’s federal government and the Kurdistan Regional Government (KRG) was meant to pave the way for reconstruction in the Sinjar district. In terms of security, it also called for the deportation of armed groups such as the PKK and the PMF. However, 8 months on, little has been done to implement the agreement, which may not bode well for the Yazidi Survivor Bill.

“We know that there are many challenges in terms of implementation. The Iraqi budget for 2021 has no provisions for the Survivors Law. Like the Sinjar Agreement between Erbil and Baghdad that was signed in October 2020 but has not been enacted, I anticipate that it will be a while before the Survivors Law is operational,” Abid Shamdeen lamented.

“The bill needs to be put into effect as soon as possible,” Ali Alyas added, his face covered with a white turban and a jet-black beard. “Survivors need financial and psychological support. They need a job, a home, the opportunity to find a husband, and to be reintegrated into society.”

However, there is one sub-group of survivors that the chief religious guide says he cannot help: those with children born of rape.

Only children born to two Yazidi parents can be considered as belonging to the community. Those with "Daesh blood" - estimated at a few hundred - are outcasts. This is the choice faced by some survivors: abandon their children born of rape or be banished forever from their own community.

"We have no future. After being tortured, sold as a slave, and raped, I contacted my family to be able to return with my children. But they refused, saying that the Yazidis would never accept and that they would kill us if I took them with me," Jihane (not her real name) said, smoking one cigarette after another.

The BIC met her in March 2021 during a trip to north-eastern Syria. Jihane had been living for two years in a safe-house run by the local Kurdish administration, with her two-and-a-half-year-old daughter and a long-haired son.

Traditionally, Yazidism excommunicates’ women who marry outside the community. Those who were kidnapped by ISIS would never have been able to return home if the previous Baba Sheikh, who passed away in October 2020, had not exceptionally waved this law to allow for the return of the survivors. But accepting their children born of rape is a step that the Spiritual Council is not ready to take.

Even if successfully implemented, there is little the new Bill could do for survivors who gave birth to children during their captivity.

Humanitarians and local officials suggested that the best solution for these children and their mothers would be to resettle them in the West, far from any social stigma. This is what Jihane wishes too.

“I don’t want my children to live in Syria or in Iraq because society will never accept them,” she said. “So, I want them to grow up in Europe, where there are schools and kindergartens to teach them, homes to live in, and where they can have a future.”

About the BIC

The BIC is an independent, non-profit, think-and-do tank based in the capital of Europe that is committed to developing solutions to address the cyclical drivers of insecurity, economic fragility, and conflict the Middle East and North Africa. Our goal is to bring added value to the highest levels of political discourse by bringing systemic issues to the forefront of the conversation.

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