

In the name of the People

Presidency of the Republic

Based on what was approved by the House of Representatives in accordance with the provisions of first clause of Article 61 and the third clause of Article 73 of the Constitution.

The President of the Republic decided on / / 2021 the issuance of the following Law

No. () for the year 2021

Yazidi [Female]¹ Survivors' Law

Article 1

For the purpose of this law, the following terms shall have the meaning ascribed to them below:

First - The [female] survivor: Every woman or girl who has been subjected to crimes of sexual violence from her kidnapping, sexual slavery, selling her in slavery markets, separating her from her family, forcing her to change her religion, forced marriage, pregnancy and forced abortion or inflicting physical and psychological harm to her by ISIS since the date 3/8/2014 and was freed afterwards.

Second - The Directorate: The General Directorate of Yazidi Female Survivors' Females Affairs.

Article 2:

The provisions of this law apply to:

First - Every Yazidi [female] survivor kidnapped by Daesh and was freed afterwards.

Second - Women and girls from the (Turkmen, Christian, Shabak) components who were subjected to the same crimes mentioned in Article 1 (First) of this law.

Third - Yazidi children survivors who were under the age of eighteen at the time of their kidnapping.

Fourth: Yazidi, Turkmen, Christian and Shabak survivors from the mass killings and mass elimination carried out by ISIS in their areas.

Article 3

First: General Directorate shall be established to care for female survivors' affairs and will be linked to the Ministry of Labor and Social Affairs and is based in Nineveh Governorate and has the right to open branches in the areas where female survivors are present, whenever necessary.

Second: The General Directorate stipulated in the first clause of this article is managed by an employee under the title of Director General, from the Yazidi component, who holds at least a first university degree in the field of law or administration and has experience and practice of no lesser than ten years in his field of work and shall be appointed by the Council of Ministers.

Article 4

¹ IOM comment: The term *female* is put between bracket to mean that while the term is not mentioned *per se* in the original text of the law, it is used in this translation to replace the suffix added to the term *survivors* in the Arabic text, to refer to female (women, girls) survivors.

This law aims to:

First: Compensate the [female] survivors and those covered by the provisions of this law financially and morally and to secure a decent life for them.

Second: Rehabilitate and take care of [female] survivors and those covered by the provisions of this law and to prepare the necessary means to integrate them into society and prevent the recurrence of the violations that occurred against them.

Article 5

The Directorate undertakes the following means to achieve its goals:

First: Statistics and preparation of [female] survivors' data and those included in the provisions of this law based on information issued by governmental and non-governmental institutions working in this field.

Second: Providing the necessary care for [female] survivors and groups covered by the provisions of this law.

Third: Coordinating with all government institutions, local and international organizations in order to support [female] survivors and groups covered by the provisions of this law.

Fourth: Providing educational opportunities for [female] survivors and their children.

Fifth: Securing employment and job opportunities to enable [female] survivors to achieve their economic and social well-being.

Sixth: Opening health and psychological rehabilitation centers to treat [female] survivors and working to open health clinics inside and outside Iraq.

Seventh: Searching for the kidnapped of Yazidis, Turkmen, Christians, and Shabaks men, women and children, whose fate is still unknown. This work shall be done in coordination with the competent authorities inside and outside Iraq and the victims' families, treating their conditions legally and granting them benefits and compensating them or their families in accordance with the relevant laws.

Eighth: Coordination with the Martyrs Foundation / Department of Mass Graves' Affairs and Protection in relation to mass graves to complete all procedures related to searching and investigating, opening mass graves, revealing the identity of the remains and return them to their families in order to bury them in a manner befitting their sacrifices.

Ninth: Coordination with investigative and judicial bodies and international committees concerned with investigation and gathering evidence, and providing them with all statistics, data and evidence that contribute to documenting and establishing crimes committed by ISIS in a way that helps prosecute the perpetrators of these crimes.

Article 6

First – The [Female] survivors and those covered by the provisions of this law shall be given a monthly salary that is not less than twice the minimum pension salary stipulated in the Unified Pension Law No. 9 of 2014 and its amendments.

Second – [Female] Survivors and those covered by the provisions of this law shall be granted a residential plot of land with a real estate loan and shall be exempted from the provisions of laws and decisions of the (dissolved) Revolutionary Command Council no 120 of 1982 or a free housing unit.

Third– [Female] survivors and those covered by the provisions of this law have the right to return to study and shall be exempted from the age requirement.

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

Article 7

First – Crimes committed by Daesh against the Yazidis and other components, (Turkmen, Christians and Shabaks) shall be considered crimes of genocide and crimes against humanity.

Second – The Ministry of Foreign Affairs, in coordination with the official concerned institutions, undertakes to reveal the crimes mentioned in the first paragraph in international forums, especially those committed against [female] survivors and those covered by the provisions of this law.

Third – The Ministry of Foreign Affairs, in coordination with the official concerned institutions, shall undertake initiating criminal proceedings against the perpetrators of the crimes in the first clause, and cooperate for the extradition of criminals in order to be tried before the competent courts.

Article 8

First: The 3rd of August of each year shall be considered a national day to reveal the crimes committed against the Yazidis and other components and media shall provide all programs for this date and clarify the abuse, kidnapping, sexual violence, captivity and displacement committed by Daesh.

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

Article 9

First: The perpetrators of the crimes of kidnapping and captivity of Yazidis are not included in any general or special amnesty.

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

Article 10

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

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

Second – The committee decides on the validity of the requests submitted to it within a maximum period not exceeding 90 days from the date of receiving the request.

Third – The applicant has the right to appeal to the same committee its decision within a period of 30 days from the date of issuance of the decision in order to reconsider it. And in case of refusal for the second time, the applicant can appeal the decision before the court of first instance, and its decision shall be final and binding.

Fourth – The committee may open an electronic platform to receive and consider applications from inside and outside Iraq, and the approval for being covered by the provisions of the law takes place after conducting the interview for the applicant before the committee that was formed in the first clause of this article, to facilitate receiving their entitlements according to this law.

Fifth – The percentage of women in the committee to be formed in the first clause of this article is not less than 30%.

Sixth – The number of meetings of the committee formed in the first clause of this article shall not be less than two meetings per week.

Seventh – The committee holds its meeting when the presence of the absolute majority of its members is achieved.

Eighth – the decision to be covered by the provisions of the law shall be voted on by a simple majority, and in case the votes are equal, the side on which the chairman will prevail.

Article 11

The Council of Ministers shall issue instructions to facilitate the implementation of the provisions of this law within a period not exceeding 90 days from the date of its publication in the Official Gazette.

Article 12

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

Article 13

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

The Rationale

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

This law is promulgated.