



RETURNS WORKING GROUP- IRAQ

- ❖ **Meeting Date:** 20 August 2019
- ❖ **Meeting Time:** 10:00-11:30 hrs
- ❖ **Location:** Erbil (IOM Conference Room, Gulan Rd.) via bluejeans to Baghdad, UNDP Meeting room

In Attendance: IOM, UNDP, Handicap International, DRC, Social Inquiry, TGH, PUI, CRS, MSF, SEDO, UN-Habitat, REACH, INTERSOS, ACTED, Qandil, UPP, INSO, NRC, Mine Action Sub-cluster, World Vision International, OFDA, MOMD, UK Embassy/ DFID, Iraq Health Access, ICRC, IRCS, SIF, WFP, Protection Cluster, UIMS, National Reconciliation Committee, JAU, UNICEF, UNHCR, Shareteah

Agenda Items:

- 1) **Introduction and adoption of minutes:** Review of previous minutes; Follow up on action points from previous meeting
- 2) **Returns Update:** Update on return figures from RWG/DTM dashboard and Return Index round 4 findings; Field updates- focus on Ninewa and NSA letter
- 3) **Governorate Return Committees (GRCs):** Update from OCHA on recent GRC meetings in Anbar and Salah al Din; Update from OCHA on response coordination meeting in Haditha, Anbar, between Humanitarian, development and government actors, and updates on Diyala
- 4) **MOMD Return Grant:** Presentation by MOMD on recently commissioned return grant for returnees across Iraq
- 5) **Reparations for survivors:** Presentation from IOM on current reparations initiative for survivors in Iraq
- 6) **AOB**

Key Discussion Points/ Action:

- 1) **Introduction and adoption of minutes:** Review of previous minutes; Follow up on action points from previous meeting
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- The Chair gave an overview of the previous meeting after the introductions, as well as a review of the agenda items.

2) Returns Update: Update on return figures from RWG/DTM dashboard and Return Index round 4 findings; Field updates- focus on Ninewa and NSA letter

(Presentation attached for more details)

Main points:

i) Return Update, DTM Round 110 (May-June 2019)

- As of June 2019, the total no. of returnees was at 4,305,138.
- 95% of returnees live in habitual residences, 2% in private settings and 3% in critical shelter.

ii) Return Index

- The data for the fourth round of the Return Index was collected during the months of March and April 2019
- During Round 4, an additional 17 locations of return were assessed.
- An increase in the number of returnees living in severe or poor conditions has been observed in comparison with the previous Report Round 3 published in March 2019. Of the 1,564 assessed return locations, 286 present severe conditions (12% or 514,644 individuals) of the returnee population.
- The highest increase was observed in Baghdad and Anbar governorates.
- Ninewa and Salah al-Din remain the governorates hosting the highest number of returnees living in severe conditions.
- Salah al-Din also presents the highest intra-governorate proportion of returnees living in severe conditions (30%), along with Diyala (23%).

iii) Integrated Location Assessment (ILA) findings

- Number of Assessed Locations: 3,645
- # of IDPs reached: 1,030,194 individuals (171,699 HHs)
- # of returnees reached: 4,272,132 individuals (712,022 HHs)
- **Camps are not covered.**
- 78% of IDPs were displaced before October 2016, classifying them as IDPs in protracted displaced (3 years of displacement from October 2019).
- Intentions: 75% wish to locally integrate in the short term (6 months or less), while the rest intend to return. In the long term (more than 6 months), 74% intend to return, while 25% intend to locally integrate.
- Among those who wish to return, the top return obstacles reported were lack of job opportunities (73%), lack of basic services 68%) and destroyed/ damaged house (62%).



iv) Field updates- focus on Ninewa and NSA letter

- The Chair provided an update on the NSA letter earlier in the week that was addressed to MOMD and other government agencies, which highlighted some points regarding the Ninewa camps. The letter mentions that IDPs from outside Ninewa must leave the camps and that IDPs will not be allowed to return to camps once they've left. Other points include the increase of government staff and security in the camps and fixing the water. In this regard, the HC is meeting the Ninewa governor on the same day and will be visiting several camps. MOMD issued a letter the previous day to the Shelter cluster to start preparing for families leaving the camps.
 - NPC mentioned that the Protection cluster had prepared several talking points for the HC to deliver to the governor, as there seems to be underlying reasons for the events in Ninewa.

3) Governorate Return Committees (GRCs): Update from OCHA on recent GRC meetings in Anbar and Salah al Din; Update from OCHA on response coordination meeting in Haditha, Anbar, between Humanitarian, development and government actors, and updates on Diyala

- Salah al-Din
 - In the GRC meeting in June, the SAD government's intention to close informal settlements (esp. Qadisiya complex) was discussed, as well as the difficulty to move families to their areas of origin as many of them cannot return, and they were not able to move to other camps due to the unavailability of spots in Al-Alam and Basateen camps. In August, the government announced that Qadisiya would be closed on 1st September.
 - It was pre-agreed that minimum principles would be adhered to, i.e. IDs would not be confiscated, no use of force, informing people well in advance, and checkpoints are aware of IDP movement. Families have asked for an extension until 9th October – which would mark the end of the first exam period – but that request was rejected.
 - Despite the agreement that no one would be forced out before 1st September, evictions from the compound have already begun. 357 families have moved out in the past two days, with 330 families still remaining. There are also reports of ID confiscation, a situation currently being monitored by protection partners. Furthermore, security checkpoints were not informed about the movement. Many families have moved to unfinished government buildings due to the lack of shelter, where they have no access to water or electricity.
- Diyala
 - The last GRC meeting was held on 7th July. One encouraging aspect of GRC meetings in Diyala compared to other governorates is that all government actors attend (JCMC,

MOMD, security actors etc.), while the deputy governor chairs the meeting and JCMC issues the minutes. Humanitarians can see the minutes beforehand and sign them as a stamp of approval.

- The government intends to close the Sa'ad camp as it belongs to the military and is needed back by them. 135 families are currently staying in that camp, while 350 families live in areas surrounding the camp and benefit from its services. Most of them are from Khanaqin, but local authorities in Khanaqin made it very clear that these families are not welcome, mainly due to tribal conflict.
 - The government agreed with humanitarians to carry out an intentions survey of these families, which is expected to be finalized at the start of September. The government further promised that no decisions would be taken until the next GRC meeting (tentatively planned for 19th September), where alternative solutions would be discussed for Sa'ad camp families.
 - In preparation for that meeting, due to the lack of ICCG presence in Diyala, OCHA have begun recruitment for an OCHA focal point in Diyala. Agreement has also been made with ICCG to set a form of inter-cluster coordination in Diyala soon.
- Anbar
 - In June, AOC initiated an eviction campaign where 339 families were evicted within a period of 10 days, most of the families being from either Garma or Qaim district. Intimidation was used by military actors, while there was very little advance notice.
 - Exit surveys indicated that 30% of the evicted IDPs were not returning sustainably. IDPs who were not allowed to return to their areas have been permitted by the government to resettle in Ramadi.
 - In the GRC meeting in June, the government decided to close either AAF or HTC camp by the end of the year, depending on the situation. Humanitarian actors have requested to present to the government the humanitarian idea of camp consolidation (which would be in line with the Principled return framework). Further evictions were planned in July in an effort to clear out AAF, but the HC had intervened in this case, and no evictions have occurred since.
 - 3 sub-camps in HTC and 10 sub-camps in AAF have been closed.
 - It is unclear whether families who leave the camp are doing so voluntarily, as it is apparent that they are not accepted in their areas of origin.
 - Local authorities are usually not on board with humanitarian actors, and usually deny being informed of families returning to their respective areas (as was the case in the Haditha meeting). It should be noted that many families attempting to return to their areas have been issued security clearance by security actors but are not accepted by the local tribal leaders in their areas.



- Local mayors informed humanitarian and development actors that they are more concerned with receiving support for families who had stayed behind in their areas and do not want to receive families who had left. They have also requested to issue clearance for IDPs from their side as well to clear out any ISIL-affiliated families.

➤ Discussion:

- The Chair added that families from Iskandariya in Babylon will be allowed to return, with 100 families expected to move in the next week. MOMD have been instructed to provide tents to families whose habitual residences have been destroyed.
- NPC mentioned that it would be better to include local mayors in the GRC meetings to get their perspective, specifically in areas subject to pressure and forced returns. This would help prevent secondary displacement of families attempting to return. NPC also added there should be advocacy for wider involvement from the government, particularly the participation of military actors in the GRC meetings as many decisions by civilian authorities are being overturned by military actors.
 - OCHA mentioned that mayors have occasionally attended GRC meetings in Salah al-Din, while in Anbar the Governor Advisor (Mazin Abu Risha) would sometimes invite a representative. The main issue is the lack of coordination between government entities in Anbar.
 - It was mentioned that a local committee comprised of local leaders would reportedly be established to help facilitate reconciliation and return of IDPs.
- The representative of the National Reconciliation Committee mentioned that a special committee has been established to pay compensations. Around 400 families of martyrs were identified since 2014. 10 million IQD was set as the amount to be paid to each family.

4) MOMD return grant: Presentation by MOMD on recently commissioned return grant for returnees across Iraq

(Presentation attached for more details)

Key points:

- 12,000 families already have already received the MOMD return grant of 1.5 million IQD, with 20,000 more set to receive the grant in the next two rounds.
- Mechanisms for the disbursement of the return grant:
 - Stage 1: Registration and authentication of cases of return starting from the governorates, through office and field mechanisms.

- Stage 2: Returnee data is collected centrally at the Ministry, verified and sent to the Administrative and Finance Department.
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➤ Discussion:

- The RWG Chair mentioned that an advocacy note is currently being prepared for the HC regarding the return grant, with one of the points being that only a small proportion of returnees are receiving a return under the current budget, hence the question of whether MOMD has any plans to speed up the process and allocate more funds in this regard.
- MOMD explained that there is another grant, the livelihood grant, that is separate from the return grant and will be paid regardless of whether the beneficiary has received the return grant or not.
- There have been complaints by returnees in Sinjar that they have not yet received their return grants, despite returning since 2015. However, the Chair noted that only 23 families from Sinjar had registered their return with MOMD, according to the MOMD databases.

5) **Reparations for survivors:** Presentation from IOM on current reparations initiative for survivors in Iraq

(Presentation and draft law of Yazidi female survivors attached for more details)

Key points:

- Background: IOM partnership with Office of UN Special Representative for Sexual Violence in Conflict to support GoI, KRG, CSOs, and survivors to **engage in the process of developing an adequate framework and efficient mechanisms for the provision of reparations to survivors of CRSV in Iraq**; Seeks to further implementation of Joint Communique for Prevention and Response to Sexual Violence in Conflict, signed between Iraqi Government and Office of Special Representative.
- Definition of reparations: a mechanism of transitional justice, alongside criminal justice, truth seeking, and institutional reforms;
- Types of reparations: Material & symbolic; Individual & collective; Judicial (local, regional, ICC) & administrative
- Forms of reparations: Restitution; Monetary compensation; Rehabilitation (psychosocial support, health care, legal support, economic empowerment, etc.); Satisfaction (official acknowledgement, commemorations); Guarantees of non-recurrence (law reforms, independent institutions for protecting human rights)
- Draft Law on Yazidi Survivors (April 2019):
 - Initiative of the President of Iraq
 - Beneficiaries: Yazidi women survivors; survivors from other communities



- Broad scope of rights: compensation, land, rehabilitation (health care, education, employment, etc.), community revival, symbolic measures
 - Institutional structure: Directorate under Council of Ministers Secretariat (in Ninewa)
 - Procedure: to be designed by Directorate decisions and/or by-laws
 - First official effort to systematically redress the legacy of ISIL crimes against the Yazidi community through a comprehensive programme of reparations.
 - Legislation aligns with Iraq's international and national commitments in relation to protection of human rights, and specific commitments to protect and recognize survivors of CRSV set out in the Joint Communiqué.
 - Substantive and procedural issues:
 - Justification of the legislative initiative;
 - Lack of consultation during the process of drafting the bill;
 - Definition of victims and beneficiaries;
 - Scope of rights
 - Principles guiding implementation
 - Relation to other TJ measures in Iraq
 - Decision 735-697 and MoMD provision of grants as a form of reparations:
 - Sends a strong message: shows that the Iraqi government is committed to and capable of providing interim (urgent) reparations in a rapid manner;
 - Raises some of the same issues as the Draft Law (e.g. selectivity based on ethnicity, gender, and age);
 - Questions on how survivors are identified and who is eligible, to be answered through further discussion with MoMD;
 - Overall, a valuable step to provide concrete, interim (urgent) reparations to survivors, but additional measures needed to address survivors' needs in the longer term.
- Discussion:
- NPC asked whether there any plans for additional engagement on how these reparations legislation is implemented in practice and whether there has been any engagement with the MARA working group in this regard.
 - IOM explained that they have been working very closely with UNFPA and UNAMI and contributed their draft inputs on the draft law to UNAMI, who drafted a common UN position. IOM were also not aware of the MARA working group as it has not been brought to their

intention by UNAMI or UNFPA, but would be happy to linked up and be part of that discussion.