



RETURNS WORKING GROUP- IRAQ

- ❖ **Meeting Date:** 25 February 2020
- ❖ **Meeting Time:** 10:00-11:30 hrs
- ❖ **Location:** Erbil (IOM Conference Room, Gulan Rd.) via bluejeans to Baghdad, UNDP Meeting room

In Attendance: IRC, Nahri, NCCI, OCHA, CCCM Cluster, Shelter Cluster, Child Protection Sub-cluster, IMC, UIMS, GIZ, US Embassy, German Embassy, National Protection Cluster, PPO, ACTED, SP, TGH, MAG, REACH, Mine Awareness Sub-cluster (MASC), UNAMI-JAU, HLP Sub-cluster, Mercy Hands, ICRC, UNICEF, UNDP, UNHCR, PUI, DRC, INTERSOS, Justice Center, COOPI, CIVIC, Social Inquiry, CRS, IOM

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; Presentation on new Return Index Dashboard
- 3) **Compensation in Iraq:** Presentation by HLP sub cluster on the amendments to the compensation law, compensation process, 2020 budget and addressing points from previous meeting
- 4) **Durable Solutions Network:** Update on voluntary returns project to support durable solutions to displacement in Ninewa and Anbar

Action Points to follow up by next meeting:

Action	By who
Try to engage with development actors to discuss developments in the housing sector, as well as with peace and social cohesion actors as a lack of security is a major obstacle	RWG
General GRC updates for recent meetings (SAD, Anbar, Diyala)	OCHA
Share CCCM position note on camp closures for March	CCCM Cluster

Key Discussion Points/ Action:

1) Introduction and adoption of minutes: Review of previous minutes; Follow up on action points from previous meeting

- 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

(Presentation attached for more details)

Main points:

i) Return Update

- Total no. of returnees (as of December 2019): 4,596,450 individuals. Total no. of IDPs: 1,414,632 individuals
- 68% of IDPs live in private settings, 24% in camps, and 8% in critical shelter.
- 95% of returnees live in their habitual residence, while 3% of returnees live in critical shelter.
- Throughout 2019, an additional 431,130 returnees were recorded, which is a significantly lower figure than the 944,948 returnees reported for 2018.

ii) Return Index round 7

- Data collected during November and December 2019
- Out of the 1,754 return locations assessed, 293 present severe conditions hosting 12% of the returnee population (522,090 individuals).
- Salah al-Din and Ninewa remain the governorates hosting the highest number of returnees living in severe conditions, with 198,450 and 173,724 individuals respectively.
- In all scales, alone or combined, the proportion of high severity locations remained consistent throughout the year: around 10-12% of locations hosting around 500,000 returnees presented high severity conditions.
- Throughout 2019, the improvement of scale 1 is more notable than the worsening of scale 2.

iii) Return Index Dashboard

- An introduction of the new Return Index Dashboard was given, which can be accessed on both the DTM and RWG websites.
- A detailed session on how to use the dashboard as well as access information from the dashboard will be provided at a later date, mainly targeting Information Management staff.

Discussion:

- An inquiry was made on whether a list of recently closed camps is available.
 - CCCM Cluster explained that they will update a position note on this issue for March regarding the intentions of the government on camp closure. Information is certain on south Ninewa, Anbar and Baghdad, but there are still doubts over the other governorates. CCCM Cluster will meet with MOMD next week and will share the final update soon afterwards. For now, they are happy to share the last note from December.
- Shelter Cluster inquired whether returnees in critical shelter should be considered IDPs in secondary displacement, as this was a topic that was previously mentioned.
 - DTM agreed that is a point that needs to be discussed and raised at the ICCG, as currently any IDPs who return to their location of origin, regardless of shelter type, are considered returnees.
 - The RWG chair mentioned that the clarity around this was still debatable, as returns to habitual residence may not always be possible in case of completely damaged shelters and houses which were previously rented and not available anymore, hence the reason why some IDPs return to critical shelters.

3) Compensation in Iraq: Presentation by HLP sub cluster on the amendments to the compensation law, compensation process, 2020 budget and addressing points from previous meeting

(Presentation attached for more details)

Key points:

- Ninewa hosts the highest proportion of destroyed houses in Iraq (62.7% of all houses destroyed in Iraq).
- HLP SC published Property Compensation Guidelines in December 2018, providing clarity on the compensation process.
- Advocacy Note on property compensation has been published as well on March 2019, highlighting main challenges and recommendation related to compensation scheme in Iraq.
- Compensation laws: Iraqi Law 20 of 2009, **Law for the Compensation of Victims of War Operations, Military Errors, and Terrorist Actions**. Law 57 of 2015 (first amendment) and Law 2 of 2020 (second amendment)
- Three Central Compensation Committees (one for Kurdistan) will be established and attached to COMSEC and Martyrs Foundation. Article 1 of Law 2 of 2020 (amends Article 3/First/Second of Law 20 of 2009).



- Central Compensation Committee is chaired by a judge of first or second category nominated by the Chairperson of the Supreme Judicial Council- Article 2 of Law 2 of 2020
- The Central Committee reports to the General Secretariat of the Council of Ministers (COMSEC) in coordination with the Martyrs' Foundation. COMSEC may issue the necessary instructions on the functions of these committees
- Sub-committees are allowed to submit to presidency of the governorate's appeal court decision for the property compensation which do not exceed IQD 30,000,000 (thirty million/\$25 thousand) for approval. Article 13 of Law 2 of 2020.
- One or more Compensation sub-committee will be established in Baghdad, Kurdistan Region, in addition to three sub-committees in war affected governorates.
- Sub-committees are allowed to open offices across governorates in districts and sub-districts. Sub-committee is obliged to provide all requirements needed to open the offices for compensation.
- Claims submitted to the Compensation Committee:
 - 15,031 in 2016
 - 9,229 in 2017
 - 8,406 in 2018
 - 14,419
- A total of 102 billion IQD (85 million USD) was allocated as disbursement for compensation in 2019.
- **Challenges:** Complicated procedures, long and costly process; Lack of financial and logistic support to committees; Insufficient number of investigation judges serving the sub-committee offices; Data is not being digitalized; Multiple claims for the same property; Inexperienced administrative staff; Political, tribal and beneficiaries' interference; Missing, outdated or destroyed HLP documents; Forged documents and false claims; Evaluation experts are paid by beneficiaries; Lack of criteria for the damage evaluation; Weak coordination between Central and Sub-Compensation Committees; Lack of presence of HLP partners in the field or governorates; Insufficient money allocated from government for disbursement; Women HLP rights and people perceived affiliation with ISIL; Committees replaced/new ones will be established

Discussion:

- Shelter Cluster inquired whether the compensation claim figures (allocated amounts) reflected all types of compensation or only property-related claims.
 - HLP Sub-cluster confirmed that the figures included all the compensation categories. Furthermore, it is reported that martyrs are the prioritized category in receiving compensation, while there is far less attention given to property compensation. HLP SC is currently discussing with the Compensation Committee the possibility of achieving



equal distribution of disbursements across all categories. Disaggregated data is currently unavailable, but HLP SC hope to receive this data soon.

- Shelter Cluster added that the burden of compensation should not fall on humanitarian actors, as that is the responsibility of government.
- HLP SC mentioned that while 85 million USD was allocated for claims in 2019, that is the approved amount and not the amount of money already disbursed.
- IOM asked if clearing the backlog of 2012 meant that post-2014 claims won't be processed until the earlier claims have been completely processed.
 - HLP SC explained that compensations will be issued based on the date of claims, regardless of when the case had happened. Processing earlier claims would certainly affect the newer ones, but this measure was taken to avoid discriminating against pre-2012 cases. Law 2 of 2020 was also meant to target only post-2014 cases, which are different from the 2007-2008 cases.
- An inquiry was made on whether families perceived to be affiliated with ISIL have been compensated or if there are extra guidelines reserved for this caseload.
 - HLP SC mentioned that article 9 of the compensation law explains that any claimant found to be guilty of terrorism will be expelled from the scheme. However, innocent family members perceived to be affiliated may apply for compensation. Article 9 provides a complete explanation on this issue.
- IOM inquired whether 1) Any outreach has been conducted (i.e. how would an individual household access information on how to file compensation claims) and 2) If the government has a mechanism to release this information down to governorate/ local level.
 - HLP SC explained that a large percentage of households still do not have enough information on the compensation process, and they are currently operating with several partners across Iraq to help spread this information. Furthermore, HLP SC will utilize their HRP funds to enhance their activities in this regard, although they believe that HLP is constantly underfunded. However, advocacy is being done at every forum to address this topic. HLP SC has also helped increase the number of claims in 2019 compared to the previous 2 years, but more outreach and partners would be needed to improve this output. HLP SC is currently in discussions with the Returns Working Group to design outreach strategies and messages, alongside CCCM and Protection partners to raise awareness in both camp and out of camp settings, as well as areas of origin for returnees and other affected population. Key messages may also be disseminated via the Iraq Information Center (IIC). Video clips and messages have also been distributed in courts and in the media.



- The government is currently only using a web page to release compensation-related information, and clearly need more support from HLP partners in this regard.
- The HLP SC added that a new annual budget for compensations has not yet been allocated as the new government has not been formed.
- The HLP SC developed an easy-to-understand one-pager on compensation procedures, which can be disseminated in camps and other public settings. The one-pager can be shared with partners.

4) **Durable Solutions Network:** Update on voluntary returns project to support durable solutions to displacement in Ninewa and Anbar

(Presentation attached for more details)

- The Durable Solutions Network (DSN) is an informal platform developed by IOM, together with UNHCR, NRC, DRC, IRC, ACTED, and the Nonviolent Peace Force, as well as other partners to:
 - Develop and pilot methodologies and tools to support durable solutions in Iraq
 - Implement projects and interventions built around “facilitated voluntary returns” for IDPs in camps, beginning with Salamiya and HAA camps in Ninewa and AAF in Anbar
 - Exchange information on best practices, lessons learned, innovative approaches, etc.
 - Support mobilisation of resources to support durable solutions interventions.
- For Anbar and Ninewa camps in the context of “facilitated returns”, DSN is focusing primarily on support to IDPs facing obstacles in “category 1” (shelter, livelihoods, access to basic services, protection, etc.) of the Protracted Displacement Framework. Partners are also involved in activities around social cohesion, reconciliation and related issues.
- DS Network partners are supporting activities designed to facilitate return for IDPs still in camps, as well as multi-sectoral, area-based interventions supporting returning IDPs, other returnees and vulnerable host community members.
- Many families who signed up for the go and see visits are normally families who are willing to return and are accepted at their areas of origin.

Discussion:

- An inquiry was on whether host communities were also targeted as part of the interventions.
 - IOM confirmed that the project is area based and will therefore include host communities.
- IOM explained that the DS Network is not designed to be a coordination mechanism or to compete with structures that already exist. It is simply an informal network, and it’s not yet clear how it will evolve. For the time being, the network exists to initiate area-based interventions such as the facilitated returns projects.